MISCELLANY

OF

THE SPALDING CLUB.

ABERDEEN: PRINTED AT THE CONSTITUTIONAL OFFICE,
BY WILLIAM BENNETT.

THE

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THE SPALDING CLUB.

VOLUME SECOND.

ABERDEEN:
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THE EDITOR'S PREFACE.

The duty, which the Committee of the Council committed to their Secretary, of preparing a second volume of Miscellanies, has been rendered at once easy and agreeable, by the zeal and alacrity with which his enquiries after materials were everywhere responded to. So many documents, indeed, came into his hands through the ready and liberal access which he obtained to the charter chests of ancient and noble families, that the task of selection became, in many instances, one of considerable difficulty. Where his own judgment often hesitated whether to adopt or to reject, he can hardly hope that others will always approve of the choice which he has made; but he would fain trust that he will be found to have proceeded, on the whole, in accordance with the main object of the Club,—the illustration of the history, the literature, and the antiquities of our north-eastern shires. If, in one or two instances, he has been tempted to stray beyond the field more peculiarly marked out for the labours of the Society, he would hope that the interesting or kindred nature of the subjects to which he may thus have wandered, will be accepted as a sufficient apology.

He now proceeds to offer a few words in explanation of the various articles which are brought together in this Volume.

F. Letters from Lord Lovat.

These seven letters, printed from the originals in the charter-chest at Castle-Fraser, were addressed to Charles Fraser of Inverallochy, the ancestor of the gallant proprietor of that princely old manor-place, by his kinsman, Simon, twelfth Lord Lovat. Like everything which proceeded from the pen of this too well known, and most unhappy nobleman, they are highly characteristic of the writer, although less eminently so, perhaps, than those with which the reader may be familiar in the Culloden Papers,[1] or in the more recently printed Correspondence of the Atholl Family.[2] In these, nothing but the failings and all the black features in the character of this remarkable man are displayed, as he strains to the utmost that insinuating address of which he was so perfect a master, or practises with more than his accustomed elaboration, all the craft and the deep guile in which he was so subtle, to gain the ear of the callous lawyer, or to deceive the eye of the wary and suspicious statesman. In the few letters, which are now for the first time printed, he appears in no such disguise. It may be questioned, perhaps, if such a man *dared* to make a perfect confidant of any one; but in these communications to his nearest kins-

(1) Culloden Papers: comprising an extensive and interesting Correspondence from the year 1625 to 1748; including numerous letters from the unfortunate Lord Lovat, *etc.* Lond. 1815.

(2) Jacobite Correspondence of the Atholl Family, during the Rebellion, M.DCC.XLV.—M.DCC.XLVI. Edinb. Printed for the Abbotsford Club. 1840.

man,[1] from whom his flattery could hope to win nothing, and in duping whom his craftiness had no end to serve, he would seem to write with as little reserve, and with as much sincerity and plainness as his double nature was capable of. His habit of indulging in the most exaggerated expressions of unbounded friendship and esteem for *all* his correspondents, must be allowed due weight in judging of the somewhat violent professions of affection with which he burdens almost every letter to his relative; and on this score, too, something must be allowed for his lordship's long residence in France.

Number I. The first letter is chiefly remarkable for the characteristic which has just been alluded to: "I was truly more concernd than I can express in parting with you. *It was the effect of natural affection, and I canot help it.*" We may be suffered to smile on reading these words, when we remember that they were addressed to a *cousin* of five or six removes, by one who, when it served his selfish and crooked ambition, was ready

(1) Mr. Fraser of Inverallochy, though but a cousin often removed, as may be understood from the slight sketch of his pedigree which is subjoined, was the nearest heir-male to Lord Lovat, in default of issue of his own body:—

SIMON eighth Lord Lovat
ob. A.D. 1633.

1. Hugh ninth Lord Lovat *ob.* A.D. 1646	2. Sir Simon Fraser of Inverallochy *ob.* A.D. 1620
4. Thomas Fraser of Beaufort *ob.* A.D. 1699	Simon Fraser of Inverallochy
13. SIMON TWELFTH LORD LOVAT *decollat.* A.D. 1747.	Simon Fraser of Inverallochy 2. William Fraser of Inverallochy *ob.* A.D. 1717 CHARLES FRASER OF INVERALLOCHY *ob.* A.D. 1789.

The eldest son of this last-mentioned laird of Inverallochy, commanded the Frasers at the battle of Culloden, and was slain there.

to sacrifice his own *son*, with all the indifference of a Roman father.

No II. is chiefly occupied with a description of a visit to the Scotish metropolis, and of the writer's interview with the Duke of Argyll and his brother the Earl of Ilay, then rival candidates for the sway of Scotish politics. The manner in which Lord Lovat relates his denial of Lord Ilay's imputation of Jacobitism, is sufficiently amusing. "I answered his Lordship, with a little warmth, that these stories were but damnd calumnies and lyes, and that I did not for many years write a letter to any person beyond sea, which"—he concludes with much *naïveté*,—"*which, indeed, is true.*" His correspondent did not need to be reminded that although this might be literally true, at the same time all that could be charged against him as to maintaining the best possible understanding with the court of the Chevalier de St. George, was equally true and undeniable. At the very moment that he was with so much assumed indignation disclaiming his attachment to the exiled court, he was negotiating in it his patents of the Dukedom of Fraser and the Lieutenantcy of the Highlands!

But to most readers, perhaps, the chief interest of this letter will be found in the account which it gives of a journey, by chariot, from Inverness to Edinburgh, in the year 1740. To achieve this distance, which would now occupy about twenty hours, required then, at the least, *five* days, and, in this instance, "by misfortunes," *twelve* days, "which was seven days more than ordinary." Even twenty years later, the stage-coach that once a month left Edinburgh for London, did not reach the latter city until the end of twelve, or sometimes sixteen days. When the events of the journey are considered, one will wonder, not so much at

his lordship's precaution in carrying with him a coach-smith for eight or ten stages, as that such a thing as a coach, or an artisan capable of mending one—his lordship modestly calls him no more than a "wheel-wright"—was to be found in the country. Only twenty years before, Sir Archibald Grant was unable to drive a chariot from Monymusk to Aberdeen, a distance of only twenty miles;[1] and not more than fifteen years had passed since a coach was first seen at Inverness. "I was entertained," writes Captain Burt—the Mrs. Trollope of Scotland in his day—"with the surprise and amusement of the common people in this town, when, in the year 1725, a chariot with six monstrous great horses arrived here, by way of the sea-coast. An elephant, publicly exposed in one of the streets of London, could not have excited greater admiration. One asked what the chariot was: another, who had seen the gentleman alight, told the first, with a sneer at his ignorance, it was a great cart to carry people in, and such like. But since the making of some of the roads,[2] I have passed through them with a friend, and was greatly delighted to see the Highlanders run from their huts close to the chariot, and, looking up, bow with their bonnets to the coachman, little regarding us that were within. 'Tis not unlikely they looked upon him as a kind of prime-minister, that guided so important a machine; and perhaps they might think that we were his masters, but had delivered the reins into his hands, *and at that time had little or no will of our own*, but suffered ourselves to be conducted by him as he thought fit; and therefore their addresses were directed to the minister, at least in the first place; for motion would not allow us to see a second bow, if they

(1) See below, p. 99.

(2) The formation of the Highland roads under the care of General Wade is referred to.

were inclined to make it."[1] Nor if the simple Highlanders had so judged of the helplessness of those who sat within the coach, would they, in this instance, have judged much amiss. Before the frail but ponderous machine could be started, his lordship had to wait two days till new wheels were made for it. Scarcely has he congratulated himself that his "chariot did very well," and relying on the assurances of his carpenter, that "it woud go safe enough to London," has dismissed that servant, when the "axletree of the hind wheels broke in two," and his lordship and his daughters have to find their way to the nearest inn on horseback, the ladies, indeed, "on *bare* horses behind footmen." By force of men, the unfortunate carriage is pulled after them, and at the close of two days' cobbling by "an *English* wheel-wright, and a smith," is pronounced to be again serviceable. Before it had travelled four miles, it again breaks down, but is dragged to Blair-in-Atholl, where it is "*very well* mended by a *good* wright and *good* smith." This commendation seems to have been not ill deserved, for the machine holds out now until three miles beyond Drummond Castle, when an axle-tree gives way, and the travellers are "forced to sit in the hill with a boisterous day till chamberlain Drummond was so kind as to go down to the Strath, and bring wrights, and carts, and smiths, to our assistance, who dragged us to the plain, where we were forced to stay five or six hours." Here the mishaps of this dismal journey seem to have ended; but surely the recollection of them might have taught his lordship to speak more temperately than he expresses himself in the close of this letter, as to the irregularities of the "damnd Aber-

(1) Letters from a Gentleman in the north of Scotland to his Friend in London, vol. i., p. 75. edit. Lond. 1815.

deen post," which, he complains, "is so very uncertain that there cannot be an exact correspondence keept with any man in your countrey, except with the merchants that live in Aberdeen."

An allusion, in the beginning of the communication, to Lord Lovat's real or affected reverence for the superstitions of his country, may be illustrated by a passage in the Letters of the lively author already quoted. "If I was," his lordship writes, "as much an observer of *freits* as I used to be, I would not have taken journey." Captain Burt tells us that his lordship was "frequently heard to affirm, that at the instant he was born, a number of swords that hung up in the hall of the mansion-house, leaped of themselves out of the scabbards, in token, I suppose, that he was to be a mighty man in arms, and this vain romance seems to be believed by the lower orders of his followers; and I believe there are many that laugh at it in secret, who dare not publicly declare their disbelief."(1) We may, perhaps, not uncharitably presume that a man of Lord Lovat's cast of mind, would dwell so much on this *freit* or omen, less from his own belief in it, than from the influence which it gave him over his followers. Neither the Clan nor their Chief were sufficiently read in the science of forebodings, to know that, as Sir Walter Scott has remarked, the presage was one of misfortune:

> "Thy father's battle-brand, of yore
> For Tine-man forged by fairy lore,
> *Did, self-unscabbarded, foreshow*
> *The footstep of a secret foe.*"(2)

In No. III., his lordship resumes the history of his political negotiations at Edinburgh. The murmurs with which he prefaces

(1) Burt's Letters, vol. ii., p. 195.

(2) Lady of the Lake, cant. ii., st. xv.

it, as to the insecurity of the post-office, seem to have been but too well grounded. In 1738, the Earl of Ilay, one of the statesmen with whom Lord Lovat was coquetting, complains, in a letter to Sir Robert Walpole, that he is "forced to send this letter, by a servant, twenty miles out of town, where the Duke of Argyll's attorney cannot handle it; and to enclose it to William Steuart." And in 1748, the commander of the troops in Scotland writes to the Secretary of State, "My letters are opened at the Edinburgh post-office; and I think this is done by order of a noble Duke, in order to know my secret sentiments of the people and of his Grace: If this practice is not stopped, the Ministers cannot hope for any real information." But Lord Lovat should have been among the last to complain of tampering with the mails, if, as would appear, he was the person alluded to by Burt in the following passage: "And lastly, I shall be very sparing of the names of particular persons, not only as they are unknown to you, but, to tell you the truth, in prudence to myself; for as our letters are carried to Edinburgh the hill-way, by a foot post, there is one who makes no scruple to intrude by means of his emissaries, into the affairs and sentiments of others, especially if he fancies there is anything relating to himself; so jealous and inquisitive is guilt."[1]

The account given in this letter[2] of the scuffle between a Highland Chief and his vassal is no doubt coloured, in order to "feed fat the ancient grudge" which Lord Lovat bore to his nearest and most powerful rival in the Highland country. Still no one will be inclined to discredit the story in the main, who remembers that not many years before, two of the gravest lawyers in Scotland, were hurried by the *praefervidum ingenium Scotorum* into a broil

(1) Burt's Letters from Scotland, vol. i., p. 9. (2) Page 14.

not a whit less unseemly. In 1715, the Earl of Ilay writes from Edinburgh to the Secretary of State: "There has happened an accident, which will suspend the Justice Clerk's fury against me: for, he and the King's Advocate have had *a corporal dispute*; I mean *literally; for, I parted them.*"[1] And within four years after the date of this letter, Lord Lovat himself is found in a brawl, in which he suffered the indignity of a blow on the face. The anecdote may be given in the words of the genealogist of the Frasers:—

"At a meeting of the freeholders and collectors of the land-tax, at the Court-house of Inverness, in 1744, for the choice of a collector, the Lord President, Lord Lovat, Lord Fortrose, and the Laird of M'Leod were present. A dispute having arisen between Lords Lovat and Fortrose, the first gave the latter the lie, who retorted by a blow on the face. They were separated with some difficulty; but Fraser of Foyers, who was in the gallery, seeing his chief insulted, jumped into the assemblage, cocked his pistol, and presented it to Lord Fortrose. He would have been killed, had not a gentleman, with great presence of mind, thrown his plaid over the pistol.[2] Several dirks and swords were then drawn on either side, and the Court thrown into great confusion. The Lord President and M'Leod seized hold of Lord Fortrose, and dissolving

(1) "This letter," says Mr. George Chalmers, "is in the Paper-Office. Adam Cockburn of Ormiston was Lord Justice-Clerk from 1707 to 1735. Sir David Dalrymple was Lord Advocate, from 1707 to 1720." Caledonia, vol. i. p. 870. Lond. 1807.

(2) Captain Burt furnishes a similar instance of the attachment which Lovat's clansmen entertained for him: "An English officer being in company with a certain chieftain and several other Highland gentlemen, near Killichumen, had an argument with the *great* man; and both being well warmed with *usky*, at last the dispute grew very hot. A youth, who was *hanchman*, not understanding one word of English, imagined his chief was insulted, and thereupon drew his pistol from his side, and snapped it at the officer's head; but the pistol missed fire, otherwise it is more than probable he might have suffered death from the hand of that little vermin." Letters, vol. ii., pp. 142, 143.

the assembly, forced him to go along with them. No sooner did they gain the street, than another of Lord Lovat's followers sprung upon Lord Fortrose, and struck him to the ground with a bludgeon, whilst arm in arm with his friends. As the matter betokened a more serious affray between the clans Fraser and Mackenzie, the President had need of all his influence to allay their differences."[1]

It must be acknowledged, however, that Lord Lovat's letter, if all its details are to be accepted, casts a new light on the code of Highland manners. A clansman, it would seem from this instance, may with honour submit to *one* blow from his Chief, although he must resent a *second* stroke! Either the spirit of clanship had much abated within forty years, or Chiefs on the shores of Loch Fine bore their faculties much more meekly than in the broad bosom of Strathspey. Boswell relates that in 1773, when Dr. Johnson and he visited the Duke of Argyle at Inverary, "A gentleman in company, after dinner, was desired by the duke to go to another room for a specimen of curious marble, which his grace wished to show us. He brought a wrong piece, upon which the duke sent him back again. He could not refuse; but, to avoid any appearance of servility, *he whistled as he walked out of the room, to show his independency!* On my mentioning this afterwards to Dr. Johnson, he said it was a nice trait of character."[2]

The high tone of honour and spotless integrity which Lord Lovat always assumed, and maintained even on the scaffold, and the claim which he *occasionally*[3] advanced to strict religious

(1) Anderson's Historical Account of the Family of Frisel or Fraser, pp. 158, 159. Edinb. 1825.

(2) Boswell's Life of Johnson. Mr. Croker's edit., vol. iii., pp. 53, 54. Lond. 1831.

(3) His lordship, it is well known, professed to die in the faith of the church of Rome; and we are told that he was accustomed "to curse" both the Reformation and the Revolution,

principle, are none of the least memorable points in his character, when it is considered how thoroughly all his actions belied both the one and the other pretence. It is rarely, however, and only in such confidential communications as these letters to his cousin, that he ventures to cast off the mask of fair words,

"And shews the Fiend confess'd, without a veil."

"I entreat," he writes with all composure, "that you speak seriously to my Lord, that he may engage Glenbucket to write strongly to Glengerry to perswade him to take the oaths. *I know he has no regard for them, so he should not stand to take a cart load of them, as I woud to serve my friends!*"

No. IV. is of much the same tenor as the one which precedes it. The pleasure which his Lordship expresses in the acquaintance of his new political friends, seems only to inflame his wrath against the faithless clansman whose desertion renders him unable to serve his recent allies so effectually as he might otherwise have done.

The postscript to No. V. reveals incidentally the opinion which these new associates entertained of their Highland friend: "Duke Hamiltoun, and several other Lords, asked me, *in a joking way*, whether that fellow that has deserted his Chief and his Clan is

the former "because," he said, "it brought a false religion on us"; the latter, "because it involved us in a load of debt." State Trials, vol. xviii., pp. 593, 844, 854. Lond. 1816. Yet, on the most serious of all subjects, he could write to a familiar friend in such terms of levity as the following: "Those are so many sounds of trompette that call me to another world, for which you and I are hardly well prepared; but I have a sort of advantage of you; *for if I can but dy with a little of my old French belief*, I'll get the Legions of Saints to pray for me; while you will only get a number of drunken fellows, and the innkeepers, and tapister lasses of Inverness, and Mr. M'Bean, that holy man, *etc.*" Culloden Papers, p. 122. Burt lets fall a hint of his lordship's scepticism. Letters, vol, i., pp. 269, 270.

still alive or not. I answered that he was, *by my precise and express orders*, and I said but what was true." His lordship had expressed himself to the same effect in a previous letter, adding characteristically, "but, besides that I coud never allow a drop of the Frasers blood to be shed, I knew that the meddling with him *now* woud wrong our affair, and, *if an Arrabian killd him, it woud be calld my deed.*" His lordship certainly had no lack of instruments to attempt any action however daring; and there is evidently much of complacence in the tone in which he writes that "Gortuleg his [has] four cousin-germans, the most bold and desperate fellows of the whole name, who woud take of Fairfields head at the Cross of Inverness, if they were to be hanged for it next morning. I know them well, for they have been very troublesome to me by their bloody dowels."(1)

There is nothing in Nos. VI. and VII. that offers occasion for remark, if we except a passage(2) from which it appears that his lordship had fully discerned the advantages possessed by Scotland for the pursuit of the herring fishery, and had even himself embarked in it. That this branch of industry should have been so long neglected, is truly surprising: Lovat was not the first to see the gain which might be derived from it; Robert Gordon of Straloch, nearly a century previous, had condemned the slothful negligence of his countrymen, to which indeed the shoals of Dutch vessels that swarmed round our bays and headlands bore reproachful testimony.(3)

(1) Page 17. (2) Page 26.

(3) "Mare semper apertum et navigationi opportunum, nisi tempestates impediant; quibus, non solum nostrum hoc, sed omnia maria obnoxia sunt: egregie, itidem, piscosum; sed homines e faece vulgi, qui huic vitae sese addixerunt, illud ad quotidianos usus, non ad lucrum ex negotiatione parandum, exercent: unde exteri, (praesertim Belgae,) dum quotidie,

With whatever distrust his Lordship's professions may in general be regarded, we may easily believe him sincere when he expresses, as he so often does in these letters, his great concern for the honour and standing of his Clan and kindred. Nor, perhaps, was his affection for these confined within the obvious limits of his self-interest in them. Sullied and cramped as it was in the miry and crooked paths which he loved to follow, and enshrined as it was in a strange casquet, (who does not remember Hogarth's picture of him?) his was still the true spirit of a Highland chief. Colonel Stewart has remarked, that he "possessed, in a singular degree, the art of securing the love and obedience of his Clan. Though attainted and outlawed, and though his estate was forfeited, and given to the next heir of the female line, Mackenzie of Fraserdale, yet such was the fidelity of the Clan to their real Chief, that they flocked to his standard at the first summons, quitting his rich rival, who, possessed of the estate, had the power of rewarding his friends and supporters."(1) On the evening before his execution, he upbraided two of his countrymen, who came to visit him, with giving their consent to the bill for the abolition of the hereditary jurisdictions in Scotland. He told them, that if he had his broadsword by him he would not scruple to chop off their heads, for yielding their approbation to such a measure, adding—as if the barbaric pomp and power of the rulers of the Clans were all that was worth contending for in Scotland—

inspectantibus nobis, *ex halecum* aliorumque piscium captura magnum quaestum faciunt, illis, quibus hoc studii esse debet, ignaviam exprobare videntur." Praefecturarum Aberdonensis et Banfiensis in Scotia Ultra-Montana Nova Descriptio, auctore Roberto Gordonio, *apud* J. Blaeau Theatrum Orbis Terrarum, part. v., pp. 103, 104. Amstel. 1662.

(1) Colonel Stewart's Sketches of the Highlanders, vol. i., p. 29. Edinb. 1822.

"For my part, I die a martyr for my country." We learn from Johnson, that, at a time when a Scot was ashamed in England to confess the land of his birth, "Lord Lovat boasted to an English nobleman, that, though he had not his wealth, he had two thousand men, whom he could at any time call into the field."(1) And Burt tells us, that as the Bard of the Clan was reciting, in the hall at Castle Downey, a Gaelic song, in which the exploits and victories of the Frasers were celebrated, his Lordship, who was no mean scholar, interrupted the performance with the exclamation, "There's nothing like that in Virgil or Homer!"(2) He solaced his last moments with the thought, that not even his fall and ignominious death would deprive him of the savage honours due by his powerful tribe to the funerals of the *Mac-Shimei*: "He said, that he had once made a codicil to his will, where all the pipers from Johnie Groat's house to Edinburgh were invited to play before his corpse: and, though that might not be thought proper *now*, yet he was sure some of the good old women in his country would sing a *coronach* before him." "And then," he exclaimed, "there will be old crying and clapping of hands, for I am one of the greatest Chiefs in the Highlands!"(3) In the same spirit, when his neighbour the Lord President wearied of "playing at cat and mouse with him,"(4) wrote to tell him that he must henceforth be looked on as a declared enemy, he is said to have concluded his reply with these words: "I pray God we may never see such a

(1) Boswell's Life of Johnson, vol. iii., p. 92.

(2) Letters, vol. ii., p. 14.

(3) State Trials, vol. xviii., p. 847.

(4) The expression is one of Lovat's, in a letter to Lochiel: "My Lord Advocat plays at cat and mouse with me; but times may change, and I may bring him to the Saint Johnstone's tippet."

scene in our country, as subjects killing and destroying their fellow-subjects. For my part, my lord, I am resolved to live a peaceable subject in my own house, and do nothing against the king or government. And if I am attacked by the king's guards, and his captain-general at their head, I will defend myself as long as I have breath in me: and if I am killed here, it is not far to my burial place; and I will have, after I am dead, what I always wished, the *Coronach* of all the women in my country, to convey my body to my grave; and that was my ambition, when I was in my happiest situation in the world!"(1)

H. The Chronicle of Aberdeen.

The Diary and Obituary to which the perhaps too ambitious title of "The Chronicle of Aberdeen" has been given, have been

(1) State Trials, vol. xviii., p. 714. This passage is not to be found in the letter actually sent by Lovat to the Lord President, and printed from the original in the Culloden Papers, p. 259. The editor of that collection therefore rejects the lines as a forgery; but it is more probable that Lovat, after he had written them, thought it wiser to suppress them, though he allowed them to remain in the copy of the letter which he showed to his friends, and which, with this conclusion, was printed at the time.

Among other papers regarding Lord Lovat, but of less interest, preserved at Castle Fraser, are the following:—

1. "Memorandum of Facts, of which a proof may be attempted on the part of Lord Lovat, and of the witnesses' names by whom the several facts may be proved."

2. Letter from Sir Arthur Forbes of Craigievar, Bart., M.P. for Aberdeenshire, dated London, 10th March, written during Lord Lovat's trial:—"Lord Lovat looked as well as ever I saw him, and rather fuller in the face. He had ane appearance of resolution and unconcern, but certainly is not now able to make that defence, and cross-examine the evidence without the assistance of council, which the law upon these sort of tryals does not admit off."

3. "Copy Letter to Gentlemen of the Name of Fraser," on the subject of the election of a member of parliament for the shire of Inverness, dated London, 11th July, 1747. It appeals very strongly to the attachment of the Clan to their late Chief.

selected, and arranged according to their dates, from the earliest volumes of the registers of baptisms, marriages, and deaths, preserved in the Charter-room of the City of Aberdeen. They are scattered at utter random over these records, and have obviously been inserted, when and where any casual incident recalled an event to the writer's thoughts, and a blank page invited his pen.

The chronicler, Walter Cullen, younger, Vicar and Reader of Aberdeen, has fortunately recorded so much of his own story, as to leave little on that head to be supplied. He was born on the second day of November, in the year 1526,[1] of a family, which, as he has neglected no opportunity of showing, was of good note and standing in the burgh, or as our Patron would have expressed it, "was of the old blood of the toun."[2] Members of it filled the provost's chair in the years 1491, 1506, 1535, 1590, and subsequent years: and two "Andro Cullens" were baillies in the same year that their house first achieved the honours of the mayoralty.[1]

The Vicar's father would appear to have been "Walter Cullen, elder, bailyie of Aberden, and eldest sone to ane honorabill man, Androw Cullen, prowest of the said burgth," of whom his son dutifully records that he died on the twenty-eighth of October, 1561,[4] and that the "waist gawill of the pariss kyrk was compleitt" in the time that he was "maister of wark to the glaiss wark of the sayme."[5] With the same filial affection the chronicler

(1) Page 31.

(2) Mr. Alexander Jaffray was chosen provost of Aberdein, for ane yeir, in January, 1636. Many lichtleit both the man and the election, *not being of the old blood of the toun*, but the oy of ane baxter; and therefor was set doun in the provest's deass befor his entering, ane baken pye, to sermon. This was done diverse times; but he miskend all, and never quarrelled the samen." Spalding, Hist. of Troub. vol. i. p. 40.

(3) Page 31. (4) Page 35. (5) Page 33.

twice inserts the record of his mother's death, "Besse Praitt, doithar to Thomas Praitt, bailye of Aberden."[1] We learn farther that Walter was a younger brother: Robert the eldest son of his parents, with another of his name, "departtit in the feidill of Peynky, striken betuix Scoitland and Ingland, the tentt day of September, 1547."[2]

Our author was not the first of his family who was Vicar of Aberdeen. His uncle died in that office in July, 1560.[3] That Walter himself had not been designed to take orders in the church of Rome is all but certain. In April, 1561, only a few months after the accomplishment of the Reformation, he styles himself "*burges* of Aberden," and then records the death of his first *wife*, "Janett Tulidefe, doichter to an honorabill man, Maister Androw Tulidefe, bailye of Aberdeen." He married again; and by his second spouse, Elspaitt Tulideffe, had a son, John, born in July, 1571, and a daughter Margaret, born in October, 1572. He had another son, Duncan, born probably in his first marriage.

It was apparently about the year 1570 that Walter was appointed "Reader" of Aberdeen,—an office, now obsolete, in the Reformed Kirk, the nature of which may be learned from the following passage in the "First Book of Discipline, or the Policie and Discipline of the Church," drawn up in May, 1560:

"To the churches where no ministers can be had presentlie, must be appointed the most apt men that distinctlie can read the Common Praiers and the Scriptures, to exercise both themselves and the church, till they grow to greater perfection; and in process of time he that is but a Reader may attain to a farther degree, and by consent of the church and discreet ministers, may be permitted to minister the sacraments; but not before that he be able somewhat to perswade by

(1) Page 32. (2) Page 34. (3) Page 34.

wholesome doctrine, beside his Reading, and be admitted to the ministerie as before is said."(1)

The Reader of Aberdeen was entrusted also with the duty of catechising. On the fifth of June, 1578, it was ordained by the Kirk Session of the burgh,

"That, for instructing of the haill indwellaris of this burght, als veill young as auld, in the Catechisme, that, in times cuming, the Reider reid ane portioun of the Catechisme, and the bairnes to answer him; and that howoft the Prayaris be red on the Soneday in tymes cuming."(2)

In 1604, it was enacted, by the same ecclesiastical court, that

"The Redar of the auld kirk repeat, at the ending of the Prayers, both on Sonday in the morning, and on the veek dayes, the Ten Commandis als weill as the Beleiff, that, be the oft repeting and hering of thame, the commoun pepill may lerne the same perquier."(3)

The salary which Cullen derived from this office was twenty pounds of Scotish money; and in the register from which we learn this circumstance, the date of November, 1570, is added to his name as if to indicate that that was the first term of payment to him.(4)

Seven years afterwards, he acquired the reversion of the vicarage of Aberdeen, through an arrangement which, as described by himself, furnishes a striking example of the looseness and disorder which then prevailed in ecclesiastical affairs. It has been seen that his uncle, Andrew Cullen, Vicar of Aberdeen, and Parson of Fetterneir,

(1) First Book of Discipline, chap. iv., part iv., §. 14.

(2) Kirk Session Register of Aberdeen, vol. i.

(3) *Id.* vol. ii.

(4) "The Registre of Ministers and thair Stipendis sen the yeir of God 1567." Register of Ministers, Exhorters, and Readers, and of their Stipends, after the period of the Reformation. Edinburgh: Printed for the Maitland Club, 1830.

died[1] just one month before the church of Rome ceased to be the established church in Scotland, and the celebration of her offices was prohibited by law. A successor to him in the cure, of the same faith and communion, had nevertheless been duly appointed; and, in June, 1577, this successor, Sir John Colison, Subchanter and Vicar of Aberdeen, appears, by his procurator, before the Bishop of the proscribed church, (who, notwithstanding the Reformation, continued to the day of his death in the exercise of all his temporall powers, and occasionally also of his spiritual functions), and demits the office in favour of his nephew, our chronicler; and he, *although a zealous Reformer, and holding an ecclesiastical charge in the Reformed Kirk*, takes collation to the Vicarage from the hands of the Bishop,—"and thairefter, my Lord of Aberden geyf the said Walter Cullen collacioun, be ane ryng on his fynger; on the quhilkis the said Walter twik instrumentis."[2]

The Vicar of Aberdeen survived the year 1595: the exact time of his death has not been observed, though it is known to have been before the year 1610. On the fourth of February in that year, the Kirk Session of Aberdeen "ordanit the sovme of ten pundis to be gewin be the collectour to Margreatt Cullen, dochter to vmquhill Walter Cullen, Redar, for the said Walteris Bookes of Baptisme, Mariage, and Buriall, delyuerit be hir to the Bishop to be furthcummand to the vse of the town."[3] From this notice, it appears that Cullen had formed and kept these registers for his own private use; the duties of his office, as explained by the following ordinances of the Kirk Session, affording him facilities for collecting the information which he has embodied in them:—

(1) Page 34. (2) Page 45.

(3) Kirk Session Register of Aberdeen, vol. iii.

22nd April, 1568. "The said day it is ordainit be the Assemblee [*that is, the Kirk Session*] that nethir the Minister nor Redar be present at contractis off mariage making, as thai call thair handfastingis, nor mak na sik band . . . . but that the names off the promesaris be gevin in to the Redar, to proclame the bannis thairby, and that na money be tane thairfoir."

9th September 1573. "Ordainit that the fader off the barn that is to be baptised, and, in his absens the neirest freind off the barne, or the gosseppis, cum the day befoir the barn is to be baptised, and shew the Redar, to the effect he may aduerteis the Minister quhidder the barn be gottin in matrymony or no."

The events recorded in the diary of the Vicar of Aberdeen do not call for any remark. They are for the most part such as fell under his own observation, and but for his care would not have reached our days. They are chiefly valuable, therefore, to the local antiquary and the genealogist. He notices, though with unsatisfactory brevity, almost all the memorable transactions of his time in Scotland, but, in only one instance, does he advert to those of any foreign country; and he records the Massacre of Saint Bartholomew[1] less perhaps for its own importance, than for the opportunity of indulging his pride of family, by claiming the Admiral Coligni as a "Cullen."[2] It may be permitted to smile at the bigotry or the credulity of the good vicar, in seriously charging the murder of his illustrious namesake on the learned doctors and fathers who met in council at Trent, and in attributing, with all gravity, the atrocious massacre of Paris to a decree of that memorable Synod.

The account which Cullen gives of the "consecration," in 1577, of Mr. David Cunningham,[3] to the see of Aberdeen, is, though brief, not without interest, as the only notice which, so far as the Editor knows, has been preserved of the forms used in the in-

(1) Pages 37, 38. (2) Page 39. (3) Pages 46, 47.

stallation of the titular bishops in Scotland, between the year 1572 and the year 1606, when an Ordinal scarcely differing in any thing from the order appointed in the church of England was introduced.

Of the copies of verses inserted in the registers, one bears to be "collectit and writin" by Cullen; but it may perhaps be doubted if these terms altogether warrant us in assuming that the lines were composed by him. We are without even this authority for affirming that the other poems are of his composition; and too little of the fugitive poetry of the sixteenth century has been preserved, to entitle us to adjudge them to the Vicar of Aberdeen, on the ground that no other copies but his are known to exist. None of the poems is wholly without merit; and the "Godlie Ballett of ane Synnar cryand on God for merce in tyme of trowbill" contains one or two stanzas which it would be difficult to improve either in feeling or in expression. A scarcely intelligible fragment of another poem, inserted in the same volume, is added in a note,[1] as pre-

(1) Wa is the man that wantis . . . .
Into the tyme that he hes . . . .
And wa is the man that . . . .
And of his fois he hes . . .
Wo is the man that wow . .
And hes na hoip to cum . . . .
And wo is the man that mar . . .
And than with hir his . . .
Wois the man that lyis . . .
And hes na hoip to ryise and mend
Wois the man that is cum of gentill . . . .
And hes na gold nor geir to spend

Furth throcht yone finest . . . .
And at the xii hour of the day
I hard ane kynd cheild . . . .
In yone wod syid quhair that I lay
He sichis oft and sayis Alace
All warldlie joy is fra me away

serving the name of an author who, it is believed, has not hitherto been noticed by any historian of Scotish poetry.

Than to him selff can he say
Thair is na God bot . . . . .

Thus a behard the nichtingall
Sayes man I mervell of thy fair
Is thi God ather deid or seik
Nor he ma mend the of thy cair
Quhat wantis thow lythis or landis braid
Or gold or geir to the ending day
The taill is trew I to the tell
God will be God quhen gold is away

Geir will eum and geir will gang
All warldlie riches is bot ane len
The tail is trew rycht I to the tell
God will be God quhen gold is gane
The cheild med answer yit to the bird
The bonie bird sat on the mold
Thow hes hard tell and say haiff I
Men haiff wyn werschip throcht thair gold
Rather ladyis fair and landis braid
And castellis bigit of lyme and stane
For falt of gold I wes forsaikin
And than my gold wald sen me nein

And quhairfor murnis sayis the bird
And all is for ane gay lady
Thair eom another than did hir wed
Qvhilk I wint best baid luiffit me
Giff that thow luiffit that ladie
Bot ane sa sorrofull and sa trew
Peraduentour hir knycht ma die
Scho will marie the and the low
This knycht deid into dispair
Na kynd of lyiff was for him . . .
Off this ballet ye will . . . . . .
Bot God will be God quhen gold is gane

Finis quod NICOLSOUN

The following stanzas are found on a fly leaf of the earliest volume now extant of

The keepers even of public and official registers in the sixteenth and seventeenth centuries, so often inscribed verses on the spare pages of their records, that there need be no surprise at the mis-

the register of the Sheriff Court of Aberdeenshire, extending from the year 1503 to the year 1511 :

1

. . . . . .

. . . . . .

. . . . Saturneis his frostie face
Wytht chilling cold, had peerst the tender grene
The mantillis rent quhairin enwrapped bene
The gladsome groues that now lay owerthravane
The lapetis torne, and euerie tre doune blowane

2

The soyll that earst so seamlie was and seene
. . . was despoyled of hir bewties hew
And for fresche fleuris quhairwith the sumaris queen
Had clad the erth, now Boreas blastis doun blew
And small fowlis flocking in thair singis did rue
The winteris wrath quhairwith ech thing defast
In wofull wyss bewaild the somer past

3

Hawthorne had lost his motlay luverye
His naked tuigs war shiuering all for cold
And droping doune the teiris aboundantley
Ech thing (me thocht) with weiping eyine told
The cruall season, biding me withhold
My self within, for I was gotan out
Into the feildis quhair as I walk about

4

When lo the nicht with mistie mantles spred
Gan dark the day and dime the azuir skies
And Venus in hir mesag Hermes sped
. . . die Mars to will him nocht to ryss
. . scho hir self approcht in speddie wyss
And Virgo hayding hir disdainfull breist
With Thetis now had laid hir doune to rest

5

. . . . . [*cetera desunt.*]

cellaneous contents of Walter Cullen's register, designed as it was for his own private use. In one of his volumes he has inserted a collection of medical prescriptions, of which a few are subjoined, as specimens of the popular pharmacopeia at the close of the sixteenth century. The first of these *recipes* was probably not the least useful in an age and city where municipal statutes were needed to restrain the boisterous hospitality of the people.(1)

AGANIS THE HEID AIKING BY TO MEIKILL DRINKING

Tak rue levis and bray thame [in] wynager and put roissis to thame and bitter almoundis and with this rub your heid and ye salbe eisit

FOR TUITHE AIK

Tak pellodrommy rwit and put betwene thair gumis and it will put away the greiff

TO GAR ANE SLEIP

Tak egromonie and put it vnder thair heidis that thai waitt nocht of

GUID FOR SWELLING

Tak plaister maid of wormewod with fresche butter or hoggis creische in sted of butter and presse tham togidder and la the same to the soir

REMEID FOR THE RINGWORME

Tak the frothe of quheit saip and straik on the sair

FOR ANE HOILLIT TUITHE

Tak alme pepper and ginger and birne them togidder be thai become lyik wax and put the sam in the hoill of the tuith

FOR CAULD

Tak garleik and het milk and seith thame togidder and drink it in the mornynge tua or thre days

TO CAUSE ANE BYILL BRAIK OR GADDER ANE HEID

Tak ane onyeoun and rost weill and tak wormewod and syne bra them in ane

(1) In 1625, it was enacted by the Town Council of Aberdeen, "that no person should, at any public or private meeting, presume to compel his neighbour, at table with him, to drink more wine or beer than what he pleased, under the penalty of forty pounds." Kennedy's Annals of Aberdeen, vol. i., p. 176.

morter and la to the byill or tak surrakis and rost thame in an dokane and la thame to the byile

TO PUT AWAY WARTIS

Tak egromonie and stamp it with wynager and la it to the wartis / or tak mariguld and salt bra tham and lay tham to the wartis afoir the sonne ryise

FOR ESKING(1)

Tak sege and stamp it with winager and eit the same

REMEID FOR DEIFFNES IN THE EIRIS

Tak a quik eill and put it on a speit alive and rost it / tak the greis that cumithe out of it thane tak a garleik heid rostit vpon the coillis or cenderis and tak ane code or huske of the same garleik at a tyme and put in the said greis and so put it hel in to his eir holding his eir vpward the space of ane *Credo* and yow sall sie the filthie humour cum out of his eir and he salbe healit

III. Act for delyverie of dead bodies to the Colledge of Aberdene.

This document, which is now for the first time printed from the Privy Council Register, furnishes interesting evidence of the progress which the study of anatomy had made in Scotland in the beginning of the seventeenth century.

We could hardly have anticipated that, within a hundred years after the revival or creation of the science, and in less than sixty years after its practical study by dissections had become general even in Italy and France, (then the great schools of medicine),—it would be taught in Aberdeen on a scale which required that two human subjects should be provided yearly for the purpose. There is less reason to be surprised at the readiness with which, in that

(1) Hiccupping.

age, the state ordered the bodies of criminals or poor strangers to be delivered to the medical schools. The celebrated Fallopius (who died in the year 1563) tells us, says Mr. Hallam, " that the Duke of Tuscany was sometimes obliging enough to send a *living* criminal to the anatomists, *quem interficimus nostro modo et anatomisamus !* Sprengel suggests that '*nostro modo*' meant by opium; but this seems to be merely a conjecture."(1)

An account of the University of Leyden, published in 1614, contains a curious engraving of its anatomical theatre, which, together with a botanical garden, seems to have been established by Peter Paaw, who became Professor of Anatomy and Botany there, in the year 1589. Some idea of the strange aspect of the place may be gathered from the following description which accompanies the plate:—

" Habes hic, spectator candide, veram delineationem Anatomiae celeberrimae Academiae Lugduno-Batavae, quae ibidem conspicitur more amphitheatri Romani exstructa. Locus ille, a nobilissimis ejusdem Academiae DD. Curatoribus, sectioui corporis humani est destinatus, in usum medicinae studiosorum, et aliorum quorum constitutionem corporis humani novisse interest. Cernis ita esse constructam, ut sex subselliorum gradus contineat, in collis morem leniter assurgentium: horum subselliorum infimus et primus ordo vacat Professoribus, et si qui sint illustri nobilitate aut fama insignes; secundus assignatus studiosis medicinae; reliqui deserviunt usibus eorum, qui studio videndi discendique frequentes eo conveniunt. Quo tempore Anatomia non exercetur, disposita sunt, apto et eleganti ordine, per singulos subselliorum gradus, plurima diversorum animalium ossea cadavera, (liceat ita vocare totam

(1) Hallam's Introduction to the Literature of Europe, vol. ii., p. 480, *note*.

istam ossium compagem, quam Graeci *sceleton* dixere,) mirabili artificio inter se connexa; tam virorum et feminarum, manu sua vexilla insignioribus sententiis ornata tenentium, quam aliorum animalium quadrupedum et volucrium, ut equi, vaccae, porci, cervi, lupi, caprae, aquilae, cygni, mustellae, simiae, felis, gliris, muris, talpae, ossa. Visitur etiam praeparata pellis humana, et intestina; praeterea, ad ipsum Anatomiae ingressum, in loco editiori, varia instrumenta Anatomica visuntur, quae omnia magna cum admiratione eorum ibi spectantur qui hunc locum invisunt." (1)

Dr. William Gordon, Professor of Medicine in the King's College, on whose petition this act of the Privy Council was passed, had the reputation of much learning and worth among his contemporaries. He died on the tenth of March, 1640. The Editors of Gordon's History of Scots Affairs, have in a note to that work,(2) gathered together the few notices of him which have been preserved.

IV. Decreet of Spuilzie of the House of Petty.

So little is known of the domestic manners of our ancestors, that interest attaches even to such a dry catalogue of the furniture and appointments of a Scotish castle, in the sixteenth century, as is presented in this paper, which is printed from the original in the charter chest at Kilravock.

The *spuilzie* of the house of Petty, in Murray, for which the

(1) Illustrium Hollandiae et Westfrisiae Ordinvm Alma Academia Leidensis, p. 230. Lugd. Batav. 1614.

(2) Volume iii., p. 128.

law provided this act of redress, originated in the murder of the Chief of the Clan Chattan, in the beginning of the sixteenth century. The story may be told in the words of Sir Robert Gordon, whose chronology however is, in this instance, not altogether accurate:

Laughlan Mackintoshie slain.

James Malcolmesone slain.

The Clan-Chattan doe spoile the Earle of Murray his lands.

"The yeir of God one thowsand fyve hundred tuentie-and-six, ther wes a great truble and civill dissention among the Clanchattan. The cheiff and head of the kinred wes called Laughlan Mackintoshie, a man of great possessions, and of such excellencies of witt and judgement, that with great commendation he did conteyn all his followers within the limits of ther dueties; which constraints, when they culd hardlie bear, did withdraw the hearts of many men from him, among whom wes his owne kinsman, James Malcolmesone, who, thirsting after the desire to rule, took occasion, by the injuries of the tyme, traiterouslie, with deceat, to kill this Mackintoshie. After which, fearing greater truble to ensue towards him, he flieth to the yle of the loch of Rothiemurcose, as a sanctuarie or defence for him. Bot the rest of the Clanchattan did pursue him with such eager mynds, that by force taking him in the yle, they killed him and many of his confederats. Therefter, becaus the sone of Mackintoshie, for his tender age, wes not able with fear and punishment to brydle the mynds of his clane and familie, by commonn consent they choose Hector Mackintoshie, bastard brother of the slain man, that he might govern them, vntill his young nevoy might grow to years, and guyd his owne tryb.

"In the meantyme, the Earle of Morray made the chyld, being his sister's sone, to be careid away to the Ogilvies, wher he should be weill instructed in learning and vertue. Wherat Hector wes greatlie offended, to sie the chyld by subtiltie taken from him, and attempted everie way he might to get the chyld into his possession, therby to recover his credet and authoritie. Bot the Earle of Morray preserved the chyld, so that he fell not into Hector his hands; wherwith Hector being highly incensed, caused his brother William, and others of his kindred (joyning ther forces together), vex the Earle of Morray, and spoile his possessions; which they did with so great furie, that overthrowing the fort of Dykes, and besidgeing the castell of Tarnoway, they executed many slaughters, spoils, and burnings; *and not contented with what they had done against the Earle of Morray, they goe one against the Ogilvies, and placed their camp at the castle of Pettens, which belonged to the Laird of Durnens, one of the families of the Ogilvies. They be-*

seidged the same so furiouslie, that the fort in end wes yeilded vnto them, which when they had entered, they killed four-and-tuentie of the Ogilvies whom they found therin." (1)

The Clan-Chattan does slay twenty-four of the Ogilvies.

Through an error of the transcriber, which the Editor only discovered when it was too late, this document has in the text been assigned to the reign of King James VI. instead of that of King James V. Its true date is not 1571 but 1517.

V. Letters of Fire and Sword against the Clan Chattan.

The same unfortunate oversight which has been alluded to, led to the misdating of these Letters, in the text, by a period of more than half a century. They really belong to the year 1528.

Like the preceding paper, this is printed from the original in the charter chest at Kilravock; and refers to the same insurrection or outbreak of the Clan Chattan. The manner in which this merciless mandate for the extermination of a whole tribe was fulfilled, is thus told by the historian of Sutherland, in a continuation of the passage above quoted:

"Whervpon the Earle of Morray obtained a commission from the King against them, and haveing assembled ane army, he surprised them and there cun-

(1) Sir Robert Gordon's Genealogical History of the Earldom of Sutherland, pp. 99, 100. Edinb. 1813. The affair is briefly noticed by the historian of Murray, whose chronology seems also at fault. "I find, that Elizabeth, daughter of Sir James Dunbar of Cumnock, who died in 1505, was married to John Ogilvie of Strathnairn *(pen. Westf.)* Ogilvie resided at Hall-hill in Pettie. Lachlan Laird of MacIntosh being murdered by some of his Clan in 1524, James Earl of Moray committed the young Laird of MacIntosh (who was his nephew) to the care of the Laird of Strathnairn. The MacIntoshes resented this as an indignity, demolished the house of Hall-hill, and killed twenty-four of the Ogilvies, about the year 1531. *(MS. Hist. MacInt. and Kilr.)*" Shaw's History of the Province of Moray, pp. 125, 126. Edinb. 1775.

William Mackintoshie, with two hundred of the Clanchattan, hanged by the Earle of Murray.

trey, and took *above two hundred of them*, together with William Mackintoshie, the brother of Hector. *They were all hanged;* but William, after his death, wes quartered, and his head wes fastned vpon a pole at Dykes. The rest of his four quarters were sent to Elgyn, Forres, Aberdeen, and Innernesse, ther to be set vp to the example of others. None of all these tuo hundred culd be indueed to confesse wher ther captan Hector wes, yea, although lyff wes severallie promised to everie one of them, as they wer led along to the gallowes. Ther faith wes so true to ther captane, that they euld not be persuaded, either by fair meanes, or by any terror of death, to break the same, or to betray ther master."(1)

Wonderfull faithfull men to ther captane.

Sanguinary as was the measure of revenge thus taken by the Earl, we now learn that it fell far short of that prescribed by his commission, which commanded him to leave "na creatur levand of that Clann, except preistis, wemen, and barnis;" and "becaus it wer inhumanite to put handis in the blude of wemen and barnis," he was ordered to drive them to the sea coast, in order to their being transported to the shores of the opposite continent.

The Letters, it will be observed, are directed to the sheriffs not only of Elgin, Forres, Nairn, and Inverness, within whose jurisdictions was the chief territory of the Clan Chattan; but also to those of Aberdeen, Banff, and The Mearns, over the upper districts of which there was spread, from an early period, a numerous branch of the tribe, bearing the name of Farquharson.(2)

(1) Sir Robert Gordon's Hist. of Earld. of Sutherland, p. 100.

(2) "Tribus haec, Catanaea appellata, per Strath-Herinam sparsa est, etiamque in multis inferioris Moraviae locis. Badenocham etiam eorum propago tenet, sub nomine tribus Pharsaneorum, etiamque Marriam superiorem sub nomine filiorum Ferchardi." Nova Moraviae Descriptio, auctore Roberto Gordonio, ap. J. Blaeu Theatrum Orbis Terrarum, part. v., p. 125.

We learn from the Chartulary of Aberdeen, that so early as the year 1382, the Clan Chattan, under Ferchard MacYntoshy, had extended their ravages to Birse, on the south side of the Dee.

VI. Watch undertaken by Cluny Macpherson.

This paper, which is printed from a copy in the archives at Kilravock, seems to be a statement prepared by Cluny MacPherson for circulation among the gentlemen who paid him a kind of *black mail*[1]—or, as it is more politely termed, "contributed to the watch undertaken by him"—for the protection of their lands and goods from the bandits who even so lately as the year 1744 infested the Highlands and the nearest parts of the Lowlands.

The familiar tone in which such "undertakings" are alluded to by the Chief of the Clan Vurich, affords a striking illustration of the lawless condition of the country. It would be difficult to imagine anything more significant of the reign of violence and disorder, than the fact that the preservation of the property of the subject, from those assaults which the law was too feeble even to attempt to repress, had become as it were *a trade* among private individuals, in prosecuting which, they employed all the customary arts of competition, such as crying down their rivals in the art, and boasting, as in this instance, that *they* did *not* "act, less or

(1) "The imposition, commonly called *Black Mail,* is levied by the Highlanders on almost all the Low Country bordering thereon; but as it is equally criminal, by the laws of Scotland, to pay this exaction as to extort it, the inhabitants, to avoid the penalty of the laws, agree with the robbers or some of their correspondents in the Lowlands, to protect their houses and cattle, who are in effect their stewards, or factors, and as long as this payment continues, the depredations cease upon their lands; otherwise the collector of this illegal imposition is obliged to make good the loss they have sustained. They give regular receipts for the same as safeguard money; and those who refuse to submit to this imposition, are sure of being plundered, there being no other way to avoid it, but by keeping a constant guard of armed men; which, although it is sometimes done, is not only illegal, but a more expensive way of securing their property." General Wade's Report on the State of the Highlands. 1725.

more, in the *ordinary* way of *other undertakers*, who instade of suppressing thieft, do greatly suport it, by currying the favour of the thieves, and gratifying them for there diverting of the weight of thieft from such parts of the countrys as pay the undertaker for there protection, to such parts as do not pay them."[1]

VII. Monymusk Papers.

The charter-room at Monymusk contains many interesting deeds illustrating the history of the ancient Priory there. These have been transcribed for the use of the Club, and will find an appropriate place in one of its early publications. In the meantime, a few letters and papers, referring to other subjects, have been selected for the present volume of Miscellanies.

Number I. is one of the bonds of alliance which were so frequent in Scotland in that age. It came to be deposited at Monymusk, from the circumstance that the ancestor of the present family is one of the subscribing allies.

The two succeeding numbers (II. and III.), refer to the previous possessors of Monymusk, the knightly family of Forbes, now of Pitsligo and Fettercairn. William Forbes of Monymusk (the father of the first baronet), married a daughter of the house of Angus, the Lady Margaret Douglas, daughter of William, ninth Earl of Angus, and sister to his successor in the earldom, William, known to history by the title of "the Popish Earl." The projects in which he engaged with the Earls of Huntly and Erroll, for bringing Scotland again under the obedience of the church of

(1) Page 88.

Rome, led to his attainder and excommunication, and eventually to his banishment. The first of these letters grants permission from the King to the laird of Monymusk, and two others, to hold intercourse with the Earl after his forfeiture. The second is addressed by the banished lord to his brother-in-law, from the place of his exile at Paris, where he died early in the following year, 1511.

There can be but one sentiment in perusing Numbers IV. and VI., written by Sir Archibald Grant, the second baronet of Monymusk, —a feeling of regret that these very interesting and graphic papers should be so provokingly brief. The accomplished author had the honour of being the first to engage in those agricultural improvements that may be said to have almost changed the face of the north of Scotland; and these short sketches show that no one could give a more lively description of the condition in which country affairs were, when he began to reform them, now about a hundred and twenty years ago. It was truly remarked of him by a contemporary, that "the improvement of his own fortune was not Sir Archibald's only object; besides the influence of his example as a persevering improver, a steady friend, and a peaceable hospitable neighbour, he will be long remembered in the county of Aberdeen as the zealous and indefatigable promoter of every measure which pointed to the public good."(1)

In Number V. is given an interesting account of two instances of the occurrence of a beautiful optical phenomenon, from which science has now stripped all the shadowy terror that superstition so long clothed it with, and which few, who have sojourned long in mountainous countries, have not had some opportunity of witnessing,

(1) F. Douglas' Description of the East Coast of Scotland, p. 239. Paisley, 1782.

in one shape or other,—whether in the form of their own images girt with concentric rings of many-coloured light,[1] or of spectral giants striding from mountain-top to mountain-top,—in that of long armies marching in loose order, or drawn up in battle array, or in the grander and more gorgeous pageant so exquisitely described by the great poet of our day :—

> " ———————— a step,
> A single step, that freed me from the skirts
> Of the blind vapour, open'd to my view
> Glory beyond all glory ever seen
> By waking sense or by the dreaming soul !
> The Appearance, instantaneously disclosed,
> Was of a mighty City—boldly say
> A wilderness of building, sinking far
> And self-withdrawn into a wond'rous depth,
> Far sinking into splendour—without end !
> Fabric it seemed of diamond and of gold,
> With alabaster domes, and silver spires,

(1) In October, 1830, a party of scientific gentlemen who ascended the summit of Ben-mac-dhuie, witnessed an appearance of this kind, of which a description found its way into the journals of the day : " We had turned towards the east, and the sun shone on our backs, when we saw a very bright rainbow described on the mist before us. The bow, of beautiful distinct prismatic colours, formed about two-thirds of a circle, the extremities of which appeared to rest on the lower portion of the mountain. In the centre of this incomplete circle, there was described a luminous disc, surrounded by the prismatic colours displayed in concentric rings. On the disc itself, each of the party (three in number), as they stood at about fifty yards apart, saw his own figure most distinctly delineated, although those of the other two were invisible to him. The representation appeared of the natural size, and the outline of the whole person of the spectator was most correctly pourtrayed. To prove that the shadow seen by each individual was that of himself, we resorted to various gestures, such as waving our hats, flapping our plaids, *etc.*, all which motions were exactly followed by the airy figure. We then collected together, and stood as close to one another as possible, when each could see three shadows on the disc ; his own, as distinctly as before, while those of his two companions were but faintly discernible. As the autumnal day was fast declining, and we had a long walk before us to Braemar, we were forced to hurry down the rugged sides of Loch Etichan, and, being consequently soon enveloped in the mist, we lost sight of the atmospheric phenomenon, but not until it had been distinctly visible to us for about a quarter of an hour." Professor Jameson's Philosophical Journal.

And blazing terrace upon terrace, high
Uplifted; here, serene pavilions bright,
In avenues disposed; there towers begirt
With battlements, that on their restless fronts
Bore stars—illumination of all gems!
By earthly nature had the effect been wrought
Upon the dark materials of the storm
Now pacified; on them and on the coves
And mountain-steeps and summits, whereunto
The vapours had receded, taking there
Their station under a cerulean sky.
O, 'twas an unimaginable sight!
Clouds, mists, streams, watery rocks and emerald turf,
Clouds of all tincture, rocks and sapphire sky,
Confused, commingled, mutually inflamed,
Molten together, and composing thus,
Each lost in each, that marvellous array
Of temple, palace, citadel, and huge
Fantastic pomp of structure without name,
In fleecy folds voluminous, enwrapp'd.
Right in the midst, where interspace appear'd
Of open court, an object like a throne
Beneath a shining canopy of state
Stood fix'd; and fix'd resemblances were seen
To implements of ordinary use,
But vast in size, in substance glorified;
Such as by Hebrew Prophets were beheld
In vision—forms uncouth of mightiest power,
For admiration and mysterious awe." (1)

The visions described by the Laird of Kingswells resemble very closely those seen on the side of Southfell, between Penrith and Keswick, in the summer of 1744, and of which an account.

(1) Wordsworth, The Excursion, book ii.

attested by the oaths of two of the spectators, is given in the Guide-books to the Lakes :

"The apparition consisted of several troops of horse, moving in regular order, with a steady rapid motion, making a curved sweep round the Fell, and seeming to the spectators to disappear over the ridge of the mountain. Many persons witnessed this phenomenon, and observed the last, or last but one, of the supposed troop, occasionally leave his rank, and pass at a gallop to the front, when he resumed the same steady pace."

In both the visions seen by Jaffray, just as they were about to disappear, one of the figures was observed to ride along the line.

It is worthy of notice, that the spot where these appearances were beheld in 1719, is in the immediate neighbourhood of the Brymman hill, where, Spalding tells us that, at the same hour in the morning, similar visions were beheld in the previous century:

Armies of men.

1643. "Armyes of men, upone the twalt of Februar, about aucht houris in the morning, being a mistie day, sein upon the hill of Brymman besyde Crabstoun. Sie heirefter.[1]

Visions and apparitions.

"Ye sie of apparitionis and visionis sene heir at the hill of Brymman within four myllis to Abirdene. William Andersone, tennent in Crabstoun, told me he saw ane gryte army as apperit to him both of hors and foot, about aucht houris in the morning, being misty, and visiblie continewit till sone rysing, syne vaneishit away in his sicht with noys into ane mois hard besyde. Lykuaies in the mure of Forfar, armies of men sein in the air. Quhilkis visionis the people thocht to be prodigious tokenis, as it fell out over trew, as may be sein heirefter."[2]

It may be remembered that such a sudden failure in the stream of a river, as that which Jaffray describes, was another of the portentous omens which Spalding has been so careful to commemorate :

The Pot of

1635. "About this time, ane pott of the water of Breichen called Southesk, be-

(1) Spalding, Hist. of Troub., vol. ii., p. 117. (2) *Id.*, vol. ii., p. 119.

came suddenly dry, and for ane short space continued so, but bowts up againe, and turns to its own course; whilk was thought to be an ominous token for Scotland, as it so fell out, and be thir notes doe appear.(1)

South Esk becomes dry; an ominous token.

The Laird of Kingswells defies the "philosophy" of his correspondent, to account either for this phenomenon, or for that of the appearance of the aerial armies; but it is needless to say that science has explained the one as satisfactorily as the other.

It may be added, that the drying up of the channel of the Don in November, 1719, is not the only instance of such an occurrence on record:

"About 1750, in a fine summer morning, between five and six o'clock, the bed of this river, for the space of three miles below the church of Dyce, was found entirely empty; and was passed and repassed by several persons who gathered the fish that lay sprawling in the bottom. No person observed the commencement of this uncommon phenomenon. About half an hour after its discovery, the water came down the channel again in a full body. This was occasioned probably by a chasm formed by some internal commotion of the earth, which was sensibly felt by some persons."(2)

VIII. The Arbuthnott Papers.

These Papers are printed from the originals (with a few exceptions where copies only could be found), in the archives of the Right Honourable the Lord Viscount Arbuthnott, one of the Vice-Presidents of the Club.

Number I. This is a deed by which Friar John Grohin, the

(1) Spalding, Hist. of Troub., vol. i., p. 32.

(2) Account of the Parish of Newhills, by Mr. John Brown, Statistical Account of Scotland, vol. vi., p. 35. *note.* Edinb. 1793.

Vicar-general, over the brethren of the Observance on this side the Alps, of a right reverend father the Minister-general of the Order of Friars Minor, admits Sir Robert of Arbuthnott of That Ilk, his wife, and children of either sex, into the brotherhood of that Order, conferring on them full and special participation in all the meritorious works, prayers, fastings, vigils, and other spiritual benefits of the brethren under his rule, of the Poor Clares, and of the brethren and sisters of the Penitence. It is dated at the well-known convent of the order at Toulouse, on the Feast of Pentecost, 1487.

Number II. is a licence from the Court of Rome, dated on the seventh of May, in the seventh year of the pontificate of Pope Innocent VIII. (1492) in favour of the same Sir Robert Arbuthnott of That Ilk, and his wife, for having a portable altar, for the celebration of mass, and other sacred offices.

No. III. By this deed, which is without date, Sir William Knollis, Preceptor of the house of the Knights of Saint John of Jerusalem at Torphichen, assumes the same Sir Robert Arbuthnott and his wife Mariot Scrymgeour, into that Order, with full participation of all its benefits, some of which are more minutely specified. On the back of the deed a Form of Absolution is written.

These were not the only memorials of the piety and devotion of Sir Robert Arbuthnott. In 1505, he founded a chaplainry for the performance of divine worship, at the altar of the Blessed Virgin Mary, in the choir of the church of Saint Ternan the Archbishop, at Arbuthnott.[1] He died in 1506, and was succeeded by his

(1) Nisbet's Heraldry, vol. ii., Appendix, p. 84.

son, James Arbuthnott of That Ilk, to whom the next two papers refer.

Number V. is a letter of safe-conduct to him on his passage from Scotland on a pilgrimage to the famous shrine of Saint John of Amiens, whither he repaired probably with the hope of regaining his health. He died in the succeeding year, 1521, in the flower of his age.

He was succeeded by his son, Robert Arbuthnott of That Ilk, who (as appears from No. VI.) was at his father's death a boy some years under age. It is to this gentleman that the three succeeding letters (Nos. VII., VIII., and IX.,) are addressed. The second of these, as it is to the same effect, differs little in form or expression from the circular by which, in our day, the minister or the leader of opposition summons his friends to support him with their presence in parliament. He died in October, 1579.

The seven letters which follow are addressed to his son and successor, Andrew Arbuthnott of That Ilk, who died in March, 1606. Number X. is from the Master of Marischal, afterwards George fifth Earl Marischal, and the founder of Marischal College. Numbers XII., XIII., XIV., XV., XVI., are from King James VI., and, like so many other letters of that Sovereign, show the pressing necessities to which the Crown of Scotland was then subject.

Number XVII. is an exemption from the statutes prohibiting the use of flesh in Lent, in favour of Sir Robert Arbuthnott of That Ilk, who was created Viscount Arbuthnott in November, 1641, and died in 1659; being succeeded by his son Robert, the second Viscount, to whom Numbers XVIII. and XIX. are addressed.

IX. Register of the Regality Court of Spynie.

The reader who is at all versant in the history of Scotish jurisprudence will not need to be informed as to the nature and powers of Courts of Regality; but, perhaps, a few words on the subject may be premised, for the convenience of those whose attention has not been turned to such matters.

A Regality was a grant by the Crown, in favour of an individual or corporate subject, of regal jurisdiction, as well in matters civil as criminal, within a certain specified territory. The Lord of the district invested with this privilege could *repledge*, as it was technically termed, or withdraw, on certain conditions, any person dwelling within its limits, from trial before any other court, whatever the crime might be with which he was charged, treason only excepted.(1) In the words of the great institutional writer of Scotland,

"Regalities were feudal rights of lands, granted by the King. The grantees, though commoners, were called Lords of Regality, on account of the high and regal jurisdiction implied in these grants. The Lord of Regality might appoint deputies, called *stewards* or *bailies*, not only during pleasure, or for life, but heritable, who had, by that deputation, all the profits incident to the jurisdiction made over *in perpetuum* to themselves and their heirs. Mackenzie affirms, that Lords of Regality could not have judged in their own person; and it is certain, that, for above a century before that author's time, they always administered

(1) "Regalitas nihil aliud est nisi jus et jurisdictionis privilegium in aliquo dominio a Rege impetratum, quo illius Regalitatis sive privilegii dominus actionem tam civilem quam criminalem a judice ordinario evocare potest (nos *replegiare* dicimus); licet et haec Regalitas alia etiam saepe habeat privilegia, nempe eschetarum et mulctarum obventiones, quae licet inter Regalia numerari dixionus, tamen a Principibus viris militaribus aut in honorem religionis saepe sunt concessa." Craigii Jus Feudale, lib. ii., diag. xix., § 27.

justice by a bailie. A Lord of Regality had a chancery proper to his jurisdiction, from whence he might issue brieves to his bailie for the service of heirs: and the service proceeding on such brief, when recorded in the books of the Regality, was as effectual as a *retour* on a brieve issuing from the King's chancery. The civil jurisdiction of a Lord of Regality was in all respects equal to that of a sheriff; but his criminal was truly royal; for he might have judged in the four pleas of the Crown; whereas the sheriff was competent to none of them but murder. It was even as ample as that of the justiciary as to every crime, except treason; and in this one respect it prevailed over it, that where a criminal was amenable to a Regality, the lord might have repledged or reclaimed him to his own court, not only from the sheriff but from the justices themselves."

So lavishly were these most impolitic grants squandered by the Sovereign, both on spiritual and on temporal lords, that a very considerable portion of the whole territory of the kingdom was converted into *Regality*, so that, when contrasted with the portion which, from its not being withdrawn from the jurisdiction of the King's courts, retained the name of *The Royalty*, they may be justly regarded, it has been remarked, "as having stripped the Crown of the better half of its highest prerogative." These jurisdictions, which had so long and largely contributed to the lawlessness and disorder of the country, fell at length, in the year 1747, by the Act for the abolition of hereditary jurisdictions in Scotland.

It was in favour of the Church that these high and dangerous jurisdictions were first granted; and it may be matter of surprise that it was not before the middle of the fifteenth century that a prelate of such influence as the Bishop of Murray obtained the erection of the temporality of his wealthy see into a Regality. In 1451, King James II. created the whole lands of the church of Murray into the barony of Spynie[1]; and, in the succeeding year,

(1) Registrum Episcopatus Moraviensis, pp. 223—225. Edinb. 1837.

the same monarch erected the barony into "a full and free Regality or Royalty" in favour of the Bishop of Murray and his successors.[1] The jurisdiction extended over a wide district, comprehending lands in the shires of Inverness, Nairn, Elgin, Banff, and Aberdeen, and numbering within its limits no fewer than nine baronies, those, namely, of Spynie, Kinnedar, Birnie, Raffort, Ardclach, Keith, (stretching far into Strathbogie), Kilmyles, Strathspey, and Minmor.

After the Reformation, the lands and Regality of Spynie were, in 1590, conferred by King James VI. on Sir Alexander Lindsay, a younger son of the house of Crawfurd, whom the monarch afterwards created Lord Spynie, thus redeeming the promise, "to erect for him the temporalitie of Murraye in a temporall lordshipp with all honours thairto apperteining," which the favourite received from his royal master in a well-known letter, dated "From the castell of Croneburg, quhaire we are drinking and dryving ou'r in the auld manner." They were, in 1606, resigned by Lord Spynie into the hands of the King, by whom they were restored to the Church.

At the end of the sixteenth century, the office of baillie of this extensive Regality was hereditary in the Innesses of Leuchars; and it is from the remains of an original[2] register of the court, now in the possession of the representative of that family, that the present selections are printed.

They illustrate not a few points as well in the constitution and forms of courts of Regality, as in the general course of judicial proceedings at the period to which they refer, the latter years of the sixteenth century.

The imposing roll of vassals bound to yield suit and presence at

(1) Registrum Episcopatus Moraviensis, pp. 225, 226.

(2) Beginning on the eighth of January, 1591, and ending on the fifth of June, 1602.

its head court,[1] shows at once the extent of the Regality, and the high feudal dignity of its Lord, who could thus command the attendance and following of the Earl of Huntly from Strathbogie, and the Lord of Lovat from The Aird, of the Chief of the Grants from Badenoch and Strathspey, and the Captain of the Clan Chattan from Lochaber and Stratherne.

More than one example occurs of the Baillie of the Regality *repledging* a criminal from the court even of the King's Lieutenant.[2] A phrase used on these occasions, "caution of *colerathe*," may, perhaps, need explanation. The word is said to be compounded of two Gaelic words, and, according to Skinner, signifies literally the "guard of the man." In the sense in which it is used in the text it means the caution found by the Baillie of the Regality that he would bring the repledged criminal to a proper trial:

"*Cvlrach*," says Skene, "sumtimes is called an furthcomand borgh, bot mair properly it may be called an backborgh, or cationer; for quhen ony havand power of jurisdiction replegis ony man fra an vther mans court, to his awin court, he suld leif behind him in the court, fra the quhilk the replegiation is maid, ane pledge or cationer, quha salbe bundin and oblished that he quha vsis the replegiation, sall doe justice within zeire and daie in his awin court, to the partie complainand, vpon the person quha is repledged: Quhilk cautioner left in the court be him, and behind him quha vsis the replegiation, is called *Culrach*. And gif the partie complainand gettis na reason in that court to the quhilk the defender is borrowed and repleged, he sal haue regres agane to the first court, fra the quhilk the replegiation was maid, and their sall the mute and pley be ended; and the *Culrach* salbe in ane vnlaw, gif the partie persewed compeirs nocht: And he quha vsed the replegiation, and did nocht justice, sall tine his court for zeire and daie."[3]

The jurisdiction of Regality extended to all crimes except that

(1) Pages 134, 135. (2) Pages 122, 126.

(3) Skene, De Verborum Significatione, *voce* Cvlrach. Edinb. 1597. Erskine's Institute of the Law of Scotland, b. i., tit. iv., § 8. Chalmers' Caledonia, vol. i., p. 448.

of treason; and so we find an attempt to set aside a sentence of the court, acquitting a person tried for slaughter, "in respect that the alledgit deid forsaid is ane foule murthour, committit vnder clud of nycht, and *consequentle ane caus of tressone*."[1] But although it is laid down that, by the law of Scotland, "the resetting or concealing of traitors" was proper or high treason, the court, in two instances, proceeded to the trial of that crime, without any declinature of its jurisdiction being offered. In the one, a person was accused of "the harbering, resetting, and intercommoning with" one who had been at the "Red of Auldchonnen with my Lord of Huntlie:"[2] Auldchonnen, or Aultnachoilnachan, is the name of the rivulet on the banks of which the Earls of Huntly and Erroll, in 1594, discomfited the King's forces under the Earl of Argyll, in a conflict which is more commonly known by the names of Glenlivat or Bel-Rinnes. In the other, four persons are charged with aiding the escape of Huntly,[3] when, on the King's progress northwards after the battle, he fled over the Murray Firth into Sutherland.[4]

In conformity with a usage which was universal in older days, and was adhered to until a comparatively recent period,[5] the

(1) Page 121. (2) Page 123. (3) Page 127.

(4) Sir R. Gordon's Hist. of Sutherland, p. 230.

(5) A head-court of the burgh of Aberdeen was held in the open air, on the Castlehill, on the fourteenth of April, 1539. Aberdeen Council Register, vol. xvi., p. 211. On the twelfth of February, 1578, the Sheriff of Aberdeen held his court "apud *lie Standand Stanis* de Huntlie." Sheriff Court Records, vol. ii. Two of these stones still remain in the centre of the market place: they are alluded to in the contemporary ballad of The Battell of Balrinnes, (Dalyell's Scotish Poems of the Sixteenth Century, vol. ii., p. 350. Edinb. 1801).

"Besyd all this hie crueltie,
He said, ere he should ceass,
The Standing Stonnes of Strathbolgie
Schould be his pa'lione place.

court, it will be seen, was occasionally held in the open air; in two cases[1] "upon the water syd of Lossye," where also was the place of punishment[2]; in another, in the churchyard of Elgin.[3] Cemeteries were, for obvious reasons of convenience, frequently chosen as places for the administration of justice. A canon of the Scotish church had forbidden their being employed to that use, at least by laymen, and for secular causes[4]; but the ordinance seems not to have been very generally obeyed, even by dignified churchmen themselves. In the year 1420, we find the Bishop of Ross assisting at a court held by the Earl of Murray, "in the kyrke yharde of the chanounry of Rosmarkyng," for giving a vassal new investiture of his lands.[5]

It is not easy always to see the principle which regulated the mode of inflicting capital punishments. In four cases, male criminals, convicted of theft, are sentenced to be *hanged*;[6] in a fifth, where there is no obvious difference in the circumstances, the culprit is doomed "to be taken to the water of Lossye and thair to be *drownit* quhill he be deid."[7] A husband and his *wife*, convicted of theft, are sentenced to the same punishment;[8] probably in compliance with the practice by which it was declared that

Bot Huntlie said, 'With Godis grace,
First we shall fight them ones;
Perchance that they may tak the chass,
Ere they come to the Stonnes.'"

(1) Pages 132, 144. (2) Page 132. (3) Page 144.

(4) Can. LXXX. 'Quod laici non teneant placita in ecclesia:' "Sub interminatione anathematis firmiter prohibemus, ne laici teneant placita sua secularia in ecclesiis, vel coemeteriis." Lord Hailes' Canons of the Church of Scotland, A.D. 1242. and A.D. 1269 p. 46. Edinb. 1769.

(5) Registrum Episcopatus Moraviensis, pp. 475, 476.

(6) Pages 127, 128, 140, 146. (7) Page 134. (8) Page 130.

"wemen condemned for thieft suld be *drowned*."[1] A murderer, apparently of mean rank, is ordered to be *beheaded*.[2]

X. Selections from the Wodrow Manuscripts.

The Papers which are arranged under this title have been selected, as illustrating the ecclesiastical history of the north-eastern shires of Scotland, from the voluminous collection of Manuscripts amassed by the care and industry of the indefatigable Wodrow, the well known author of "The History of the Sufferings of the Church of Scotland, from the Restoration to the Revolution," and now preserved in the Library of the Faculty of Advocates at Edinburgh.

Number I. is a letter from the Synod of Aberdeen and certain commissioners from that of Murray, assembled at Aberdeen, in February, 1605, accrediting the celebrated Mr. John Forbes, minister at Alford, to report to the King the difficulties of their position in general, and "the particular dealing wee have this lang time haid with the Marques of Huntlie." His Lordship was at that time under the censures of the Kirk, for his adherence to the communion of the church of Rome; and for many years much

(1) Skene, De Verborum Significatione, *voce* Fossa. He quotes from a commentator on the Customs of Burgundy the following *rationale* of judicial punishments: "Erectio furcarum est meri imperii et altae justiciae, et significat dominium aeris, quia suspensi pendent in aere: et merum imperium consistit in quatuor, sicut sunt quatuor elementa: in aere, ut hi qui suspenduntur: in igne, quando quis comburitur propter maleficium: in aqua, quando quis ponitur in culeo et in mare projicitur, ut parricida; vel in amnem immergitur, ut feminae furti damnatae: in terra, cum quis decapitatur et in teram prosternitur."

(2) Page 132.

of the attention, as well of the King, as of the Kirk in all its judicatories, was occupied with endeavours to persuade him to join himself with the Reformed.

Number II. This letter, addressed to the King by Alexander Douglas, Bishop of Murray, refers to the appointment of a pastor to the parish church of Keith, vacant by the preferment of Patrick Forbes of Corse to the see of Aberdeen in 1618. The person subsequently appointed was the truly learned and pious Dr. Robert Baron, afterwards Professor of Divinity in The Marischal College, and Bishop-elect of Orkney.

In Number III., dated in February, 1606, the Synod of Aberdeen lay before the King the distressed state of their province both in Kirk and commonwealth; the latter rent by deadly feuds between the Forbeses and the Irvings, the Leslies and the Leiths; the former vigorously assailed by members of the Society of Jesus, and other emissaries of the church of Rome. At the head of these is mentioned the indomitable John Hamilton, a zealous priest whose life has been written by the accurate Lord Hailes. He was the second son of Thomas Hamilton of Priestfield, the ancestor of the noble house of Haddington. When but a youth, he quitted Scotland on account of his religion; and after a remarkable career abroad, returned, in 1601, to attempt the restoration of his native country to the obedience of Rome. He was apprehended by a party of the life-guards in 1609, and being conveyed to London, was imprisoned in the Tower, where he died in the following year. He was the author of several polemical works, one of which is referred to in the letter of the Synod as "Hamiltouns blasphemous new book." This was probably a work which he had published in the year 1600, entitled, "A Catalogue of Ane hundred and Saxty sevin

Hereseis Lyes and Calumnies, teachit and practisit be the Ministeris of Calvins sect; and Corruptions of Tuentie thrie passages of the Scriptur be the Ministeris adulterate translationis thairof."

During the early years of the seventeenth century the church of Rome seemed to be making rapid progress towards regaining her lost dominion throughout Scotland generally, but particularly in the north. The historian of Sutherland tells us, that

"After the death of King James (of happie memory), dureing the exorbitant power and favour of the Duke of Buckinghame with King Charles, the Romane Catholicks of all his Majesties dominions wer animated with such vain hops by the said duke, for his owne ends, that they did certanlie expect a present tolleration of religion, iff not a public libertie of conscience; bot cheiflie they grew to such ane height of insolencie in the north of Scotland, that it wes insupportable, in brawing the bishops and inhabitants of Aberdein with pasquills and libells to their faces, affixing them vpon the church porches; which insolencies coming to his Majesties ears, by commissioners sent from the church of Scotland to that effect, administred the occasion of a sharp animadversion against such as did professe the Romish religion within that kingdome. They were first excommunicated; after the sentence of which excommunication was past against them, they were declared rebells, and their escheat goods were brought in to the King's vse. Ther houses wer possessed by his Majestie's officers appoynted for that purpose, and they themselues were either confined, or banished the kingdome."(1)

In a note will be found a list of the numerous priests and adherents of the church of Rome in our north-eastern counties, drawn up at the commencement of the reign of King Charles I., and preserved among Sir James Balfour's Manuscripts in the Advocates Library at Edinburgh.(2)

(1) Sir Robert Gordon's Hist. of Earld. of Sutherland, pp. 410, 411.

(2) "I. The names of Preistis and traffecting Seminaries in the Dyoceis of Aberdene and Murraye:

Faither Stevin a most busie and dangerous traffequer	Mr John Ogilvie
	Faither Stitchell

Number IV. refers to an Assembly which a few ministers of the Kirk held at Aberdeen, in July, 1605, after it had been interdicted by the King's letters. The Moderator, Mr. John Forbes, minister at Alford, had asserted that the meeting was

"Faither Higgetts
Capucian Leslie commonly called Archangell
Faither Ogilbie
Mr Williame Leslie commonlie called the Capitaine
Mr Andro Leslie
Mr John Leslie
Thrie Chrysties quherof one is callit Principall of Dowye
Faither Brown sone to vmquhile James Brown at the Netherbow
Faither Scott
One Faither Mortimer laitlie come in his place quho deid in Aberdene
Faither Tyrie
Thrie Faither Robertsouns
Doctor William Leslie doctor of phisick a seditious traffequer and reasoner who under pretence of administratioun of physick is a most dangerous seducer and is suspect to have receavit ordours

"II. The names of ressaitteris of Seminaries and Jesuites that ar excommunicat and lyes at the horne in the Dyocie of Aberdene onlie

Mr Alexander Irwing burges of Aberdene the avowed resaiter of Seminaries and the most pernicious and peirt infecter in the north
Thomas Menzies of Balgovnie the verie same in lykmaner
Walter Leslie in Aberdene alledgeit to be a Seminarie himself
Robert Irwing burges of Aberdene
Alexander Hervie in Inrurie
John Gordoun laird of Craig younger a most scandalous example and sedulous seducer cloaking all his insolencies and contempt of laws with ane exemption from his lait Majestie ance alreadie banished the kingdome by the counsell
James Forbes of Blaktoun a verie pernicious seducer and bussie traffequer
Mr Robert Bisset of Lessendrum bailyie to the Marques of Huntlie a most pestiferous seducer a public resoner and railer a calumniatour of his lait Maiestie of happie memorie and the most pestilent and daingerous instrument in the north
Robert Gordoun in Cushnie a comon resetter and blasphemous railer
James Fyff in Eastoun
Mr Adam Straquhan master houshould to the Lord Abyne a publict railer against religioun
James Con in Knockkemill a railer and conuoyer ordinarlie of Preistis
John Gorduun of Bourtie the same in lykmaner
John Gordoun in Troupsmill
John Spence in Peiresmill notar publict
Alexander Leslie brother to the laird of Petcapell
Thomas Cheyne of Ranystoun
Thomas Layng goldsmith in Aberdene
William Setoun of Blair

kept with the concurrence of the Lord Chancellor, the Earl of Dunfermline; and his lordship hastens in this communication to assure his Sovereign that the assertion "is a manifest lye." There

"III. The names of ressaitteris of Seminaries and Jesuites that as yet ar nocht excommunicat nor denunced bot most of thame under processe with resorteris and convoyeris of them.

The Erle of Erroll
The Lord of Aboyne
Laird Delgatie
Laird of Geicht
John Turin laird of Fouerne
William Hay of Fetterletter
Patrick Gordoun of Kincraigie younger
James Gordoun of Letterfurie
George Gordonn of Drumgask
. . . . Gordoun of Blelack
William Gordonn of Abirgeldie
Patrick Con of Artrochie
Alexander Irwin of Beltie younger
William Fraiser of Craigtoun
Robert Coutts in Abyne
John Gardyne in Bellamore
Johnn Roy in Cabrach
Walter Robersoun burges of Aberdene
Alexander Andersoun burges thair
Mr George Andersoun burges thair
Mr Gilbert and George Paips burgessis thair
Mr William Lumsden advocat in Auld Aberdene
Mr. Thomas Blackball sone to William Blackhall of Ley
William Leslie brother to George Leslie Capucian
. . . . . the spous of umquile John Cheyne in . . . . .

"The Names of other Papistes

"William Gordoun sone to the laird of Abergeldie
Alexander Gordonn of Dunkintie
The laird of Craig Anchindor elder
Robert Gordoun of Gollachie
Johnn Gordonn of Caridowne
James Gordoun of Corquhorrach
Johnn Gordoun of Dewchries
Mr William Andersone shireff clerk of Aberdene
John Urquhart chirurgian
Johnn Duff younger sumtyme of Muldauit
Johnn Kennedie servant to the gudman of Blacktoun
Robert Cantlie servant to the laird of Geight
Patrick Christiesone in Fetterneir
Patrick Leith portioner of Preminay
Williame Frasser sone to vmquhile Mr Michaell Frasser of Techmuric
Johnn Alsbender at the mylne of Craigtoun
Alexander Leslie Alexander Dauidsone Johnn Hay Patrick Kynnard servantis to the Erle of Erroll
Robert Abercrombie in Homecrook of Birnes
James Louie in Langheim
Hew Hay in Tillimad
William Bagra thair
George Hepburne in Ardifferie
Johnn Rinn messenger of airmes
Johnn Edward servant to the laird of Dalgatie
These ar the names of the most scandalous and irregular onlie of the adversars of the treuth surceasing to sett doun the great number of otheris (and specialie of the female sex) that hes maid the lyk defectioun from the treuth"

seems to be not a little of the courtier's art in his letter: the somewhat pedantic display of scholarship,[1] and the allusion "to the maist learned and wyse Kyng in the warld," appear happy addresses to the weak points of the monarch's character.

V. The proceedings which were instituted in the civil courts against the ministers who attended the forbidden Assembly at Aberdeen, terminated in the imprisonment, among others, of Mr. John Forbes, at Alford; Mr. William Forbes, at Towie; and Mr. James Irwin, at Tough.[2] These churches lay for several years vacant; and many others in that and the neighbouring presbytery had never been filled since the Reformation. In this great dearth of pastors, the brethren of the presbyteries requested the learned Patrick Forbes of Corse (whose paternal mansion was in the close neighbourhood of the kirks of the three imprisoned ministers), to officiate, although unordained, in one of them.[3] He complied with their request; and, having been subsequently censured by the Archbishop of Saint Andrews (Dr. George Gladstanes), addressed the King in vindication of the course which he had pursued. His letter (Number V.) is dated in February, 1610. It is unnecesary to add, that he afterwards entered into orders (in 1612), and was in 1618 preferred to the see of Aberdeen, in which office he died, upon Easter Even, 1635, in the seventy-first year of his age.

(1) His lordship, we are assured, "was a good hnmanist and a poet." Scot of Scotstarvet's Staggering State of Scots Statesmen, p. 18. Edinb. 1754.

(2) Archbishop Spottiswoode's Hist. of the Church of Scotland, p. 487. edit. 1677. The other ministers of the north who attended the Assembly were Mr. Charles Ferme, at Fraserburgh; Mr. Robert Youngson, at Clatt; Mr. James Mill, at Inverury; Mr. David Robertson, at Fetterangus; Mr. Robert Reid, at Banchory St. Ternan; Mr. John Monro, sub-dean of Ross; Mr. James Ross and Mr. Archibald Blackburn, at Aberdeen.

(3) Dr. George Garden, Vita Johannis Forbesii a Corse, § v. *ap.* J. Forbesii Opera Omnia. Amstel. 1704.

Number VI. is a letter to the King from Alexander Douglas, Bishop of Murray, interceding in favour of the Laird of Gicht for some relaxation of the penal statutes against the members of the church of Rome.

In Number VII., dated in March, 1611, the Archbishop of Saint Andrews (Dr. George Gladstanes), informs the King of the proceedings in the court of High Commission against a minister at Forres, who had spoken "very contumaciously against Episcopal jurisdiction and the Assembly of Glasgow," in June, 1610; and notices the consecration of the Bishop of Murray, and the introduction of the new Ordinal on that occasion. Wodrow, in his Life of Archbishop Gladstanes, states that this letter was written on the occasion of "the Earle of Dumbarrs death, when some of the Bishops went up to court to take care of their affairs, upon the falling of ane of their chief supports."(1)

In Number VIII., Thomas Hamilton, Lord Binning, (afterwards Earl of Hadington), Lord President of the Court of Session, informs the King of the conclusion of the proceedings of the General Assembly of the church, which met at Aberdeen on the thirteenth of August, 1616.(2) In a previous communication, which Wodrow appears not to have met with, he had related the transactions of the earlier sessions; so that in this letter he had little to convey to his Majesty beyond commendations of the zeal of the Earl of Montrose, the Commissioner, and the prudence of the Archbishop of Saint Andrews (Dr. John Spottiswoode), the Moderator of the Assembly;

(1) Wodrow's Collections upon the Lives of the Reformers and most Eminent Ministers of the Church of Scotland, vol. i., p. 294. Glasgow: Printed for the Maitland Club. 1834.

(2) The Acts of the Aberdeen Assembly of 1616 are printed in the Booke of the Universall Kirk of Scotland, pp. 589—599. Edinb. 1839. 8vo. See also Archbishop Spottiswoode's Hist. of Ch. of Scot., pp. 525—529.

and an account of the reconciliation of the Marquess of Huntly to the bosom of the church. This last affair is thus noticed in the Acts of the Assembly:

"*Acta sessione ultima.* The quhilk day, in presence of the whole Assemblie, compeirit the noble and potent Lord, George Marques of Huntlie, and declareit that he had direct before John Gordonne of Buckie to present his supplicatione to this present Assemblie, quhereof the tenor is insert before: Lykeas of new, he reiterat the said supplicatione, declaring the sorrow and grieff he had conceivit in that he had lyen so long under the fearfull sentence of excommunicatione, and therefore, most humbly desyrit to be absolvit from the same, as he faithfully promised, in face of the haill Assemblie, to performe and fulfill the conditiones and heads under specifeit, *viz.:*

"First, The said noble Lord faithfully promised before God, his hand holden up, to professe and abyde be the trew religion presently profest within this realme, and allowit be the lawes and acts of parliament within the same.

"Secondlie, He faithfully promised to communicat at the first occasione he should be requyrit, and so to continow, conforme to the order of the land.

"Thirdlie, He should cause his children, servants and whole domesticks be obedient to the Kirk and discipline thereof, and sould cause them haunt the Kirk at ordinar tymes of preaching.

"Fourtlie, He shall not receave Papists, Jesuites, Seminarie Priests, in his house, nor nane of his lands, but put them out of his bounds with all diligence.

"Fyftlie, He allows the Confessione of the Faith presently sett downe be the said Assemblie; and, in token of his constant confessione thereof, he hes subscrivit the samen in face of the Assembly.

"Qwhilks haill premisses above specifeit the said noble Lord protests and declares that he hes made and subscrivit truely and with ane honest heart, butt any equivocatione, mentall reservatione, or subterfuge qwhatsoever devysit be the Romish Kirk and their supposts: Attour, the said noble Lord faithfully promised to plant his whole kirks qwhereof his Lordship hes the teinds in tack possessiones or utherwayes, at the sicht and conclusione of my Lord Archbishop of Sanct Androis, the Bischop of Murray, and the laird of Corse, unto qwhois modificatione the said noble Lord submitts himself, be the tenour of thir presents, givand them power to modifie competent stipends to the saids kirks, and, as they sall be modified

be them, he oblisses him to make payment of the same to the ministers provydit or to be provydit to the saids kirks.

"And, in respect of the premisses, the Assemblie ordaynit the said noble Lord to be absolvit from the sentence of excommunicatione led and deducit against him before: Conformyng hereto, the Right Reverend Father, John Archbischope of Sanct Androis, moderator, in face of the Assemblie, absolves the said George Marques of Huntlie from the said sentence led and deducit against him, and receavit him againe into the bosome of the church."(1)

(1) This was not the first time that his Lordship had made his peace with the church. He went through a similar form of reconciliation in the year 1597, of which the following graphic account, in a letter from a lawyer in Aberdeen to his friend in Edinburgh, is preserved among the Balcarres Manuscripts in the Advocates' Library at Edinburgh:

"28 Junij 1597. Forme of the Erle of Huntlie receaving to the church.

"Luffing Gossip, Eftir my weray hartlie commendationis, according to my promeis in my last letter wretin to yow, receave thir lynis contenying ane breiff narratioun of the forme of the absolution of the Erles of Huntlie and Errol, and thair receaving to his Maiesties peace

"On Seterday the xxv of this instant a fast wes proclaimit and institut in the burgh, to be obseruit on Sonday last the xxvi of this instant, and on Sonday eftir none a sermoun wes maid be Mr. George Glaidstanes. Befoir this sermoun the Erles convenit in the sessioun hous, with the ministerie contenit in the commissioun; and thair the Erle Huntlie subseryuit ane submissioun betuix his Lordship and the Lorde Forbes, to berrying all querrellis and deadlie feadis betuix thame twa, to Patrick Murray, Commissionar for his Maiestie, the Bishop of Aberdein, Maister Petir Blackburne, Maister Robert Pont, Maister George Gladstaneis, Mr. Alexander Dowglas, minister at Elgin, friends mutuallie and equallie chosin; and the samen submissioun my Lord Forbes subseryuit. And immediatelie my Lord Forbes cam in out of the kirk to the sessioun house, with gryt humilite, quhom the Erle Huntlie tuik be the hand, speiking thir wordis, 'This I do at his Maiesties desyre, and at command of the kirk.' Siclyk the Erle Huntlie tuk Young Drum be the hand, and is with him reconceilit, and that befoir the sermoun. The Erles subseryvis the heides of the religioun sett out in prent, and sweris not to declyne therfra. Thaireftir the sermoun begynnis a litell afoir sex houris at euin, and lastis quhill seven.

"On the morne quhilk wes Sonday the xxvi of this instant, the sermoun wes in the Ald Kirk. The Erles are sett in the mairage dask befoir the pulpet, with the Kingis Commissionar; the grytest part of the bodie of the kirke emptie befoir the pulpett. Of nobillmen, baronis, gentilmen, and comoun pepill, sic a confluence, that the lyke wes nener sein in that kirk; in the bodie quhairof the tabill for the communioun wes sett and coverit. The Bishop preichit, and maid a godlie and excellent sermoun. The sermoun being concludit, the Erles ryses furth of thair dask, cumis in befoir the pulpett, makis ane vppin confessioun of thair defectioun and apostacie, affermis the religioun presentlie confessit to be the onlie trew religioune, renuncis all papistrie, *etc. etc.;* and of new sweris nenir to declyn again,

IX. This is a letter to the King, without date, in which Peter Blackburn, Bishop of Aberdeen, endeavours to justify himself from certain imputations cast upon him, and to which there seems an allusion in a passage which Bishop Keith has quoted from

bot to defend the samen to their lyfis end. The Erle of Huntlie confessit his offence, first to God, nixt to his Maiestie, to the kirk and cuntrie, for the slaughter of the Erle of Murray. And sua the Bishop pronuncis oppinlie thair sentence of absolutioune fra the sentence of excommunicatioun. The Erles ar than receavit be the baill ministerie, being in number xij or xiij persounis, quha during all the tyme of the sermoun sat at the tabill in the middis of the kirk; and with thame the provest, ballies, and the maist part of the consale. And efter the Erles war receavit be the ministerie, than Patrik Murray, Commissionar for his Maiestie, receavit thame in his Hienes name; nixt the provest, ballies, and consale. And swa thay war receavit to the bosoum of the kirk. At the samen tyme the Lard of Geicht, before the pulpett, sat doun on his knees, and askit God, his Maiestie, and kirk, pardoun and forgifnes for the ressat of the Erle Bothuell, for the quhilk he wes excoumunicat; and he wes absoluit fra the excommunicatioun. This being done, the twa Erles, with many ma gentilmen and baronis, all the ministerie, communicat togedder at the tabill of the Lord. The Erles keipit the fast preceislie this day, and the sermoun eftir euin: quhilk sermoun being done, thay enterit in the sessioun hous, and thair the Erles, in presens of the ministerie, promest to keip all that they had promeist obefoir, and to mantein justice in this cuntrie, and na wayis to suffer bangsters to be in this part of the land, bot to be in all tyme cumys, gud justiciaris. The Erle of Huntlie desyred the ministerie to interced for him, for his reconciliatioun with the Erle of Murrays friendis for his slauchter, offering assythment thairfor, be the sicht of his Maiestie and of the kirk, as they suld devyse; quhilk the ministerie promest to do.

" On Monday the xxvij of this instant, the Croce of this burght wes solemnitlie hingin with tapestrie; ane litell hous besyd the samen coverit sielyk with tapestrie, quhairin the musicianis war placit; four scoir of the young men of the toun, in thair best abulyements, with thair bagbuttis; the magistratis and consale be thame selffis; six persunis maskirs; ane tabill coverit at the Croce, quhairon war sirfootfeattis, cumfeattis, and vtheris confectiounis, with a gryt numer of glassis; wyn in gryt abundance. The Erles pacificatioun and peace be sound of trumpett, and be Gilbert Guthrie, Merchemont Herold, proclaimit. The twa Erles satt at the Croce in chears, with his Maiesties Commissionar and the ministerie. The wand of peace delyuerit to thame be Patrick Murray, he receaves thame in his Maiesties name; nixt the ministerie embraces thame; and than the provest, ballies, and magistratis. Hagbuttis soundis, that day nor dur culd not be hard; wyn drinkin in abundance; glasses broken; sirfootfeattis cassin abrode on the cassy: gadder quha so plesis! Eftir this the Erles and thair kin passis to the Tolbuith, with the baill ministerie: all ar maid burgessis of this toun; the ministers with the rest. At euin, nathing bot wauchting.

" This mekill shortlie, for throchtis of paper wald not contene all that is to be wretin

"Spottiswoodes MS.": "Mr. Peter Blackburn was a man of good parts; but, whilst he studied to please the opposers of the Episcopal state, he made himself ungracious to both, and so lost his authority."[1] He was nominated to the see of Aberdeen in the year 1603, but was not consecrated until 1611.[2] He died in the month of June, 1616, and was buried in the parish church of Saint Nicholas at Aberdeen.[3]

X. In this communication to the King, Lord Binning relates the proceedings in the memorable General Assembly of the church which met at Perth in August, 1618, and in which his Lordship presided as his Majesty's chief Commissioner. The letter is dated on the evening of the day on which the Assembly closed its sittings, and will be read with interest, as giving the first account of transactions which immediately became the subject of a keen con-

hereon; alwayis this mekill for the substance of the mater. Step, I pray you, gossvp, mak James Mowat acquant with this becaus I can nocht wreit to him at sic leuth.

"In haist comittis you to God. Of Abredeine the xxviij of Junij 1597.

"Your gossop

"Mr Thomas Mollisone.

"*Oculatus testis sum in his rebus.*

"To ane honorabill man Mr Robart Paip
Aduocat befoir the Lordis."

(1) Keith's Catalogue of Scotish Bishops, p. 131. edit. 1824.

(2) In a letter, dated from Saint Andrews the third of May, 1611, the Metropolitan (Dr. George Gladstanes) writes to the King: "All the Bishops of my Province are now consecrated; for, after that I had performed that work so in Leith and Edinburgh, that the very precisians who had carryed prejudice about that purpose wer fully satisfyed, being informed that those in the north (who benorth my diocy are more unruly than any in the south,) spake calumniously both in publick and privat of that consecration, I thocht meet there also to practise that action, and therupon have consecrat the Bishops of Aberdeen and Caithness, in the cathedrall kirk of Brechin, being assisted with the Bishops of Dunkeld and Brechin, in the sight of such a multitude of people, as I never saw in such bounds." Wodrow's Biographical Collections, vol. i., p. 302.

(3) On the twenty-sixth of June, 1616. Register of Burials in the City charter-room.

troversy between the supporters of Episcopacy on the one hand, and the friends of Presbyterian polity on the other.[1]

The Papers which follow (XI., XII., XIII., and XIV.) refer to the position in which ecclesiastical affairs in the northern counties were placed by the Revolution of 1688.

One of the most urgent matters which occupied the attention of the General Assembly of the Kirk, on its meeting in October, 1690, was the state of the country on the north side of the Tay, where the clergy, with scarcely an exception,[2] together with the great majo-

(1) "Perth Assembly. Containing 1 The Proceedings thereof. 2 The Proofe of the Nullitie thereof. 3 Reasons presented thereto against the receiving the fiue new *Articles* imposed. 4 The oppositenesse of it to the proceedings and oath of the whole state of the Land. *An.* 1581. 5 Proofes of the unlawfulnesse of the said fiue Articles, *viz.* 1. Kneeling in the act of Receiving the Lords Supper. 2. Holy daies. 3. Bishopping. 4. Private Baptisme. 5. Private Communion. MDCXIX." 4to. To this work, written by the zealous Mr. David Calderwood, an answer was published, under the title of "A Trve Narration of all the Passages of the Proceedings in the generall Assembly of the Church of Scotland, holden at Perth the 25 of August, *Anno Dom.* 1618. Wherein is set downe the Copy of his Maiesties Letters to the said Assembly: Together with a iust defence of the Articles therein concluded, against a seditious Pamphlet. By Dr. Lyndesay, Bishop of Brechen. London, 1621." 4to.

(2) On the roll of the General Assembly of 1690, there was no commissioner from any burgh or presbytery in the Synod of Angus and The Mearns. There were two commissioners from the presbytery of Aberdeen (Mr. Arthur Mitchell, minister, and Mr. Robert Martine of Burntbrae, ruling elder), but none from the other presbyteries of Kincardine O'Neil, Alford, The Garioch, Ellon, Deer, Turreff, and Fordyce, or from any of the burghs or Universities, in the Synod of Aberdeen and Banff. There were five commissioners from the presbytery of Forres, two from that of Strathbogie (Mr. George Meldrum, minister at Glass, and Alexander Duff of Braco, ruling elder), one from the burgh of Elgin, but none from any other burgh or presbytery in the Synod of Murray. There were two commissioners from the presbytery of the Chanonry, but none from any other presbytery, or from any burgh in the Synod of Ross and Sutherland. There were two commissioners from the presbytery of Dornoch, but none from any other presbytery, or from any burgh in the Synod of Caithness. There was no commissioner from any burgh or presbytery in the Synod of Orkney and Shetland.

On the roll of the General Assembly of 1692, there were four commissioners from the presbytery of Dundee, but none from any other presbytery, or from any burgh in the

rity of the people, were hostile to the new Presbyterian Establishment. To provide for this emergency, the Assembly in its last session, on the thirteenth of November, adopted the following ordinance:

"COMMISSION FOR VISITING THE NORTH SIDE OF TAY.

"The General Assembly, taking into their consideration the necessity of purging and planting of the churches on the north side of Tay, do, by their ecclesiastical authority, nominat appoint and authorize their reverend brethren Mr Hugh Kennedy, Mr John Law, Mr William Creichton, Mr Edward Jamieson, Mr Robert Rule, Mr James Rhymer, Mr James Fraser, Mr Alexander Forbess, Mr John Anderson at Perth, Mr George Meldrum at Kilwinning, Mr Thomas Ramsay, Mr Andrew Bowie, Mr Robert Young, Mr William Legget, and Mr William Mackie, ministers; and the Lord Viscount of Arbuthnot, the laird of Meggins, the laird of Naughtoun, the laird of Leuchat, and the laird of Greenknows, ruling elders; to joine with the ministers and elders in the north aftermentioned, *viz.* Mr John Stewart, Mr James Urquhart, Mr Alexander Dunbar, Mr Alexander Fraser, Mr Thomas Hog, Mr Hugh Henryeson, Mr William Mackay, Mr Walter Denoon, Mr George Meldrum at Glass, Mr Arthur Mitchell, Mr William Ramsay, Mr Francis Melvill and Mr John M'Culloch ministers; togither with the Earle of Southerland, the laird of Brodie, the laird of Grant, the laird of Grange Dumbar, the laird of Eight, the laird of Colloden, the laird of Dalfolly, the laird of Park Hay, Sir John Monro, Sir George Monro, Sir Robert Gordoun of Embo, David Fraser of Main, Mr John Campbell of Moy, Hector Monro of Drummond, Alexander Duffe of Braeco, and Robert Martine of Burntbrae ruling elders; to be a Commission for visiting the whole presbyteries of the north side of the water of Tay, in planting vacant churches, constituting elderships in congregations, trying and purging out insufficient,

Synod of Angus and The Mearns. There was one commissioner (Mr. Thomas Thomson, minister) from the presbytery of Deer, but none from any other presbytery, or from any burgh or University in the Synod of Aberdeen and Banff. There were four commissioners from the presbytery of Forres, but none from any other presbytery, or from any burgh in the Synod of Murray. There was no commissioner from any burgh or presbytery in the Synod of Ross. There were four commissioners from the presbytery of Dornoch, but none from any other presbytery, or from any burgh in the Synod of Caithness. There was no commissioner from any burgh or presbytery in the Synod of Orkney and Shetland. MS. Register of the Proceedings of the General Assembly of the Church of Scotland, 1690 and 1692.

negligent, scandalous and erroneous ministers by due course of ecclesiasticall process and censures, according to the particular instructions given them thereanent: And for that effect to have their first diet of meeting at Aberdeen the second Wedensday of March next, and thereafter to appoint their own diet and places of meeting as they see expedient, with full power to them or their quorum, being seven ministers and three ruling elders, to issue out warrands for citing of parties upon fifteen free dayes, to cognosce, determine and finally decide in planting of vacant churches, constituting elderships, and trying and purging out all insufficient, negligent, scandalous and erroneous ministers, conform to the particular instructions given them thereanent, they being alwise comptable to and censurable by the next General Assembly of this church: And this Commission to continue till the first day of November next, or the diet that shall be appointed for the next General Assembly."(1)

Although a Commission was thus early nominated, it was not until the summer of 1694 that any of the purposes for which it was appointed could be fulfilled. In Number XII., addressed to the Reverend James Wodrow, Professor of Divinity in the University of Glasgow (the father of the historian), is an account of the proceedings of the Committee on its first visit to Aberdeen, by Mr. Robert Langlands, a minister who had been sent by the General Assembly to officiate there for a few months in 1692.(2)

In this letter there seems to have been enclosed the paper which precedes it in the text (No. XI.), a Protest, by the clergy adhering to Episcopacy, against the Committee as being without any ecclesiastical authority, and an Appeal from its sentence to the King and Queen, and to "the next lawfully constitute and orderly called Generall Assembly of this Nationall Church."

The sequel of the Commission's proceedings will in so far appear

(1) MS. Register of the Proceedings of the General Assembly of 1690.

(2) MS. Register of the Proceedings of the General Assembly of 1692.

from the two papers which are subjoined, copies of which[1] came into the Editor's hands only after this part of the text was printed :

"REPRESENTATION BY THE COMMITTE OF THE GENERALL ASSEMBLY FOR THE NORTH. 1694.

"To the Right honorabill the Lord High Chancelor and remanent lords of thair Majesties privy counsell, the Committee of the Generall Assembly for the North, humbly shew

"That, quhairas the last Generall Assembly of this nationall church did grant a commission to a competent number of ministers and elders for visiting the North, empowering them to purge and plant churches on the other side of the river of Tay, and to do and determin in severall other matters according to the tenor of thair commission, quhich was drawn up and adjusted to the satisfaction of thair Majesties Commissioner present in the Assembly in all points: conform quhairunto, we, having made a progresse thorough the North, and in all our actings which we sincerly designed for the advancement of the Gospell and quiet of this church, for promoting their Majesties interest and the publick peace, keep'd within the bounds prescribed to us; yet the refractorines of severall persons justilie censured by us, with some other occurrents quhairin we conceive the authoritie of thair Majesties lawes and government, as wel as that of the church, to be deeply concerned, do oblidge us to lay before your Lordships the particulars following:

"1°. That, notwithstanding severall ministers, after grosse and uncontroverted scandals objected and proven against them, [have] been censured with deposition, yet they presume to preach and exercise their ministeriall function in contempt of all authority both civil and eclesiastick; such as Master George Graham late incumbent at [Inneraritie], deposed for habitual drunkennes aggravated with most scandalous circumstances; Mr. John Leslie at Rothes, deposed for habitual swearing and profane and obscene discourses and actions, sordid usurie, and breach of Sabbath, and supine negligence; Master Thomas Rae at Dundurcas, deposed for habituall swearing and horrid cursings and imprecations; Master James Smith at Killiemoor Wester, deposed for habituall drunkennes; and Mr. Patrick Seton at Auchterlesse, for habitual drunkennesse and supine negligence, and

(1) For the communication of these copies, made at the period by an Episcopal clergyman, the Editor is indebted to William Keith, M.D., Aberdeen.

malicious stirring up of strife and variance amongst his pariochiners and neighbours.

"2°. That, though upon exact tryall it was found that several ministers hade intruded into churches vacant, not only against good order, but to the hinderance of the regular planting of the saids churches; and therefore were discharged to preach any more there, untill orderly admitted; yet they continue to preach still, in contempt of the sentences; such as Mr. James Gordon younger at Foveran,(1) and others:

(1) Mr. Gordon subsequently brought his case before the public in a pamphlet entitled: "A True Account of the Procedure of the New Established Presbitry in the Diocess of Aberdeen, against Mr. James Gordon minister of the Gospel at Foveran. With some animadversions thereupon. In the Savoy, Printed by Edward Jones, for the Author. 1696." In a note "to the Reader," the author states that "The occasion of publishing the following Account, flowed not from any Design, to expose the Partiality and Injustice of any Judicatory to publick view; but from a principle of Self-Defence, in a matter more dear than Life: Namely, because the Procedure of the new erected Presbitry in the Diocess of *Aberdeen* (which formerly comprehended Eight) against Mr. *Gordon*, hath made so much noise, and a most calumnious Account of it having come abroad, to his disadvantage in a most bitter and unchristian Paper, called, *An Information for the Presbitry of* Aberdeen *and the Laird of* Udnie *against him*: Which was Industriously spread, both at *Edinburgh*, and in that Diocess where he lives, on purpose to stain his Reputation," *etc.* In the work itself he writes:

"To give a full and particular *Account* of all the *Attempts* of that *Presbitry*, to dispossess Mr. *James Gordon* of that *Church*, and of all his *Protestations* and other *legal Methods*, whereby he endeavoured to keep *Possession*, till the *Council* should interpose; would swell this *Narrative* to a great bulk, and render it *tedious* to every *Reader*. In short, upon the First of *February*, being *Saturnday*, the *Keys* of the *Church* were required under *Instrument*, by one Mr. *Alex. Kenedy*; and *Answer* was returned in that same manner by Mr. *Gordon*, giving *Reasons* why he could not deliver them. The next Day, the *Church* was *violently* possessed, and kept by some of the Laird of *Udney's Servants*, and some *armed Dragoons*, some of which posted themselves in the *Pulpit* and *Latron* (or *Reader's Dask*) with their *Swords* and *Guns*, and this made way for Mr. *Kenedy* to *Preach* there, a very *violent* and *disorderly Method* of entering such a Place! yet suitable enough to the *temper* of the Person. And this was the first *Mean* the *Presbitry* made use of to gain. Mr. *Gordon* being thus disappointed of the *Pulpit*, and much dissatisfied with such *Courses*, rather than to occasion further *Disorder* by *preaching* in the *Church-yard*, retired himself to his *Chamber*, having first entered *Protestation* against Mr. *Kenedy*, *That what had been done, or should be done by him, should not weaken his Title to that Church*. On the next *Lord's Day*, the same Mr. *Kenedy* renewed the *Attempt*, being, it seems, the fittest *Champion* the *Presbitry* could imploy in such extraordinary *Missions*, and having proven so luckie in the *former Assault*: But tho *violent* and *disorderly Courses* were taken, to give him *access* to the *Pulpit*, (as the *Reader*

Which contempt ought so much the more to be noticed by your Lordships, that now, thorough the care of this commission, [whereby] have been taken in thirteen dissenting ministers to the presbyterians formerly in these bounds, presbyteries are duly established within convenient precincts, so as all churches vacant in these parts may upon ane easie application be regularly provided.

"3°. That severall ministers, deprived by your Lordships for thair disaffection, do neverthelesse, contrair to your Lordships sentence and the Act of Parliament 1690, whereby they are ordained first to qualify themselves in the terms of the said Act . . . . . ; such as Mr. John Matters late incumbent at Ceres, intruding himself upon Eliot; Dr. John Nicolson late at Erroll, Mr. William Rattray late at Cargill, Mr. David Anderson late at Perth, all intruding upon Kilspindie and presuming to preach there; and other places and other ministers.

"4°. That, notwithstanding the abolition of Prelacie and settling of Presbyterian

may perceive from some of the following *Accounts)* yet by the *legal Methods* used by Mr. *Gordon*, he was disappointed of the *Pulpit;* but to shew the fervour of his *pretended Zeal*, would needs *Preach* in the *Church-yard:* And thus the Matter continued, in this *sad* and *divided* Condition, till the latter-end of *March*, every *Lord's Day* (save two) while Mr. *Gordon* kept possession of the *Pulpit*, a *Presbiterian* Minister, appointed by the *Presbitry* to *Preach* there, *To supply* (as they call'd it) *the Vaccancy*, would needs *preach* in the *Church-yard* to *Udney's Family* only, and some of his *People*, who (contrary to their *inclination)* were constrained to be *Hearers:* And this was done, not only when several *Parishes*, at some distance, wanted *Preachers*, but even the next adjacent *Parish* was altogether destitute of *Sermon*, as being intirely *Vaccant:* Nay some of those who thus *preached* in the *Church-yard* of another *Parish*, to such a Handful, had left their own *Flocks* at home altogether *unprovided.* And tho the *Presbitry* was very careful to supply the *Church-yard*, while Mr. *Gordon* preached in the *Church;* yet after his *Removal* therefrom, it is well known, that both *Church* and *Church-yard* frequently wanted *Sermon*, and all sort of *publick Worship*, several *Lord's-Days* together; *But some preach Christ of Envy, Strife, and Contention and others of Good-will*, saith the *Apostle.*"

The following extract from the Register of the Kirk Session of Foveran (under the date of April, 1696,) will show how this affair terminated: "Mr. James Gordon, being charged by the presbytery of Aberdeene to compear before the Lords of the Privy Concell April seventh, did give in a dimission upon Aprile tenth 1696 to the forsaid Lords and did renounce all title and right that he could pretend to the kirk of Foveran, and did oblige himself never to preach in the forsaid kirk from that tym forwards, and was ordered to remove from the forsaid parish at Whytsunday next." In one part of the register is a note by the session-clerk, that "the session was keeped in a tumultuary maner, the church being thronged with people, and many of the fishers crying out 'they wold not have Mr. James Gordon to be thair minister.'"

government in this church, yet severall persons have received orders from some of the late Bishops, and thairupon usurped the ministeriall function, and intruded into churches; such as Mr. John Auchterlownie in Aberlemno, Mr. Gideon Guthrie diaconat in April last, Mr James White at Streichen.

"5°. That, notwithstanding a commission was legally given and authorisd by the Generall Assembly of this nationall church established by law and countenanced by their Majesties High Commissioner, yet at Aberdeen twelve ministers, quhairof one only was cited before us, took the boldnes to give in a paper under the title of Queries, plainly questioning not only our authority, but the authority of the law quhairby the authoritie of this church is settled; and though they gott ane very modest and rationall answer, yet they protested against us, and appealed from the Commission, and that in name of the whole ministers benorth Tay, but shewed no warrand from them; and further they appealed to their Majesties protection, albeit never so much as cited as said is, and that they themselves have not so much as taken the oath of allegiance to intitle them to this protection; so that the contrivance would seem evidently factious, to stirr up and animat all such as are disaffected against the government both civil and eclesiastick: And thus at Invernesse fourteen other ministers did officiously give in a paper of adherence to the Aberdeens paper, and made thair protest and appeal in a ruder manner.

"6°. That quhen the Committee did summonds witnesses, particularlie against Mr. Andrew Abercrombie at Tarland, a person infamous thorough all that countrey by reason of his scandalous and flagitious life, yet the witnesses were keeped back; which may be a bad example unlesse your Lordships prescrive some compulsorie methods for preventing the like in time comming.

"7°. That, notwithstanding that Presbyterian government is settled by Act of Parliament, and the exercise thairoff lodged in the hands only of the ministers and elders therein sett down, yet many of the Episcopall clergie in the North do usurp eclesiastick authority, and keep their own meetings, where they license preachers, order the admission of ministers, supply vacancies, and do other acts of order and discipline, contrary to law, and to the establishing of schism in the church, and to the visible prejudice of thair Majesties interest.

"8°. That the havers of the keyes of several vacant churches, did refuse to make them furthcumming to the committee; quhich is both against law and your Lordships frequent acts and orders; and thus the keyes off the kirks both of Eliot and Kilspindie were refused by havers thairoff.

"9°. That, though in all churches where the worship of God is performed, there

ought to be no disorderly interruption upon any pretence whatsomever, yet in the church off Old Aberdeen severall insolent persons have presumed to interrupt the worship off God, by offering at their own hands another part of worship, most unseasonably, to the manifest profanation of the publick worship, and the real disturbance of the congregation who gave no complyance with the said disorder: Which, being manifestly factious, and in all probability fomented by persons disaffected, doth not only occasion great scandal, but is very like to grow to ane higher degree of insolence, if not timeouslie restrained.

"And, seeing that the happy successe that we have hade, through the blessing of God, in these parts, by a taking and ingaining a good number of ministers, and disposing of others to follow thair example; and by recommending our moderation to all the well affected in these parts; and settling the severall churches and presbyteries to the greatt benefitt of the gospell and advantage of thair Majesties interest; doth, in a manner, wholly depend upon your Lordships interposing in the premisses, and giving unto the church, and its authority, that countenance and assistance which the law ordains, and your Lordship knowes to be necessary:

"May it therefore please your Lordships to take the premisses to your serious consideration, and to apply some due remedy to the above mentioned evills, as the law allowes and your Lordship shall find most proper; especially seeing we can confidently averre, that any opposition or discountenance we met with in these parts, was only from persons notoriously disaffected to thair Majesties government, and principally upon that accompt, and quharever ministers partakers of the present church government are settled in the north, or have accesse to preach in these bounds, there is a sensible growing of affection amongst the people to the civill as wel as to the eclesiastick government.

"And your Lordship's petitioners shall ever pray."

"ACT OF COUNCELL ANENT THE KIRKS COMMISSION. 1694.

Edinburgh 6th September 1694.

"The Lords of thair Majesties Privie Counsell having considered the representation made to them by the Committee of the General Assembly for the North, together with a report of a Committee of thair own number, appointed to consider the said representation and several articles thairoff: They, as to the first article of the said representation, anent ministers deposed for scandals, do hereby appoint and authorise the clerks of Counsell, upon production of the sentences of deposition pronounced by the said Committee of the Generall Assembly against these

ministers, to give out letters of horning summarly at the instance of the agent for the Kirk against the persons named in the said sentences, charging them instantly to remove themselves from the saids churches from which they are deposed, and likewayes remove themselves, wives, bairns, *etc.*, from the manses and gleebs, and that betuixt and the feast and term of Martinmasse next; and upon return of the horning duly registrat, appoint them to give out letters of ejection or caption, as they shalbe desired.

As to the second Article of the said Representation, anent intruders, albeit upon the sentence of the said Commission or Committee declaring the intrusion, and ordering the intruder to desist the same, execution be competent in law as upon the forsaid sentence of deposition, yet the saids Lords having made summar charging at this time, do hereby recommend to Sir James Stewart, their Majesties Advocat, to pursue and cite those intruders before the Counsell, calling the number to . . . . . that the Counsell may cause put the forsaid sentence off the Commission to effectual execution as accords.

As to the third Article, anent ministers deprived by the Counsell, and not qualified, and yet continue to preach, the Counsell recommends to the said Lord Advocat to inform himself of those ministers, and pursue them before the Councell, as hitherto hath bin practised; and for the Lord Advocats better information, the saids Lords do hereby ordain shirreffs of the severall shires to send in to his lordship lites of all preaching ministers, either in kirks or meeting houses, within their bounds, that he may know who of them have bin deprived and have not yet qualified themselves according to law.

As to the fourth Article, anent ministers ordained by Bishops and intruding, the saids Lords do hereby recommend to the said Lord Advocat to pursue and cite all ministers ordained by Bishops since prelacie was abolished, and intruding themselves into churches, as is appointed in the second Article.

As to the fifth Article, anent the paper of Queries given at Aberdeen and adhered to at Invernes, the saids Lords do hereby nominat and appoint the Earle of Annandale, the Viscount of Tarbet, the Lord Carmichell, Lord Advocat, and Lord Justice Clerk, to be a committee, and call for the papers and protests mentioned in the Article from the Moderator or Clerk of the Commission, and to consider the same if seditious or factious or not; and make their report thereanent to the Counsell against the first meeting in October next.

As to the sixth Article, anent compulsories for bringing in witnesses, the saids Lords do hereby ordain al shirreffs, stewarts, bailyies of bailyieries and regalities,

magistrats of burghs or others, to cause all such persons as are cited to appear before any church judicatorie as witnesses, to compeir before the same in that order and by that method that law allowes.

As to the seventh Article, anent episcopall ministers thair keeping meetings, the saids Lords do hereby referre that matter to the committee already appointed for considering the forsaid papers and protests in the fifth Article, and declares any three of the above said committee to be a sufficient quorum to both these Articles; and hereby authorises and empowers them or thair said quorum to take tryall of the saids meetings, and to call and examin the matters as they shall see cause, and to issue forth precepts for citing them to that effect; and recommends the said committee [to report] on this article quhen they make report on the fifth Article.

As to the eighth Article, anent the keyes of churches, the saids Lords do hereby revive the Act of Councell of the date the 12 of July, 1690, ordaining the heritors, patrons, and all others havers, to deliver up the keyes of the churches quhich are vacant: And, further, ordains the keyes of the saids vacant churches to be given up to all commissions or judicatories of the Church, on thair order quhen occasion may require; and ordain letters of horning on fifteen dayes against the havers.

And as to the ninth Article of the said representation, anent the disturbers of divine worship, the saids Lords recommends to the said Lord Advocat to pursue those persons as accords, *etc.*

XIII. This is a letter to the Reverend James Wodrow from the Reverend Thomas Ramsay, who, in 1694, was translated from the kirk of Calder, near Glasgow, to that of Saint Nicholas in Aberdeen.(1) It is dated in 1697, and shows the progress which the Presbyterian establishment had then made in what the writer calls "this vast and desolat countrey." In October, 1690, there was but one Presbyterian minister(2) in the Synod of Aberdeen and Banff,

(1) Mr. Ramsay, the first Presbyterian minister in Aberdeen after the Revolution, died on the twenty-eighth of July, 1698, and was buried in the churchyard of Saint Nicholas. The inscription on his tomb may be seen in Monteith's Theater of Mortality.

(2) Mr. Arthur Mitchell, minister at Turreff. He had been deposed and ejected in 1661: sentence of deposition, it is said, had been previously passed against him in 1655, "tho' he continued to preach there, by means of a prevailing faction of Remonstrators." Skinner's Ecclesiastical History of Scotland, vol. ii., p. 567, *note.* Lond. 1788.

containing eight presbyteries, and about a hundred parishes; in July, 1694, there were eight;[1] and in April, 1697, there were no fewer than fifteen. Hitherto the whole ministers had "formed one united presbytery"; but it was now considered proper, says Ramsay, "to divide ourselves in thrie presbyteries, although we'll be but four ministers in one, five in another, and six in the third,[2] for all our additions." A Presbyterian Kirk Session had been formed in Aberdeen, on the ninth of July, 1694.[3] And, on the twenty-seventh of February, 1704, the sacrament of the Lord's Supper was administered to the members of the Presbyterian church in that city, for the first time since its re-establishment in the year 1690.[4]

XI. The Pittodrie Papers.

These Papers, for the ready use of which the Club is indebted to Colonel Knight Erskine of Pittodrie, refer (with the exception of Numbers XXVI., XXVII., and XXVIII.) to his distinguished ancestor, Sir Thomas Erskine of Brechin, Knight, Secretary to King James the Fifth.

(1) Mr. Arthur Mitchell, at Turreff; Mr. George Anderson, at Tarves; Mr. David Lindsay, at Dalmaok; Mr. Patrick Innes, at Banff; Mr. William Johnston, at Keirn; Mr. William Thomson, at Auchindoir; Mr. William Garioch, at Kinethmont; and Mr. William Fraser, at Slains. Presbytery Records, "Register while the whole Province of Aberdeen was one Presbytery," pp. 1—6.

(2) The Presbytery of Aberdeen, with which that of Kincardine O'Neill remained incorporated until the year 1700. The members at its formation in 1697 were, Mr. Thomas Ramsay, and Mr. James Osborn, at Aberdeen; Mr. William Thomson, at Kintore; Mr. David Lindsay, at Dalmaok; Mr. Alexander Thomson, at Petercultor; and Mr. Thomas Kinnear, at Echt. Presbytery Records.

(3) Aberdeen Kirk Session Register (second series), vol. i.

(4) Aberdeen Kirk Session Register (second series), vol. iii.

This statesman was the second son of John Erskine, fourth laird of Dun, by his wife Mariot Graham, a daughter, it is believed, of the house of Morphy. His elder brother John, who inherited the estate of Dun, married Margaret daughter of William first Lord Ruthven, and was by her the father of John Erskine of Dun, the celebrated Superintendent of Angus and The Mearns.(1) The Editor has not been able to discover any notice of the Secretary's life previous to the date of the earliest of the documents in the text; and it is believed that he did not long survive the period at which the latest of these was granted. The last occasion on which he is found on record is on the twenty-fourth of March, 1550, when he conveyed his right in the lordships of Brechin and Navar to his kinsman John fourth Lord Erskine, in exchange for the barony of Balhagardy, in The Garioch.(2) From

(1) Genealogical Tree of the ancient Family of Erskine of Dun, in Wodrow's Biographical Collections, vol. i., p. 434. Sir Thomas, among other grants to his nephew, the Superintendent, conveyed to him, in the month of February, 1542, the office of the Constabulary of Montrose, with the lands, fishings, *etc.*, belonging to the same. *Id.*, pp. 409, 410.

(2) " Charter of confirmation of a charter be John Lord Areskine to Thomas Areskine of Breichen and his heirs male, which failing to returne to my Lord, of the lands of Balhaghirdy *viz.* the lands and town of Balhaghirdy; Knockinglas; the Mill of Inneramsay, with the multers therof; the half of the lands of Drumdurnoch; lands of Pitscurtie, Durlathane, and Pittodrie; with the pertinents *viz.* the lands of Munramsay, Pitbie, Newlands, and Bandis, with advocations therof, in Garioch: in excambion of the lordship of Brechen and Navar, with the fishing on the water of Southesk, with 18 lib. 3 sh. 4 d. of few of the lands of Bannabreich; 5 lib. yearly duty of Nather Carreldstoun and 9 lib. of borrow maills of Breichen in Forfarshire. Saint Germans in France 25 Jully 1549; and confirmation at Edinburgh 10 April regni 8. [1550.]"

" Charter of confirmation be Thomas Arskine of Breichen to John Lord Arskine and his heirs male of the barony of Brechen and Navar with castell groves and advocation, with the preceptory of Maison Deue; with the few duty of 18 lib. 13 sh. 4 d. out of Balnabreich; 5 lib. annuell rent out of Nather Carraldstoune; with 9 lib. of the duties of the burrow males of Brechen; with the office of baillary and chamblanary of the lordship of Breichen, in Forfar; in excambion of the barony of Bulhaggardy, Mill of Inneramsay, and multers therof, with advocation *etc.* in Garioch, and shire of Aberdeen. Solvendo 333 lib. 6 sh. 8 d., as follows *viz.* 9 lib. to a chaplaine in Breichen; 7 lib. 8 sh. annuellren

these lands his descendants for some generations took their style; but, about the middle of the seventeenth century, they exchanged it for that of Pittodrie,[1] by which they have ever since been known.

I. In this letter, dated at Edinburgh on the sixth of November, 1528, Archibald Douglas of Glenbervy acknowledges to have received in pledge from "Master Thomas Erskin of the Haltoun," a chain of gold containing eight and forty links, which he obliges himself, with consent of his curators, James Douglas, canon of Ross, and Master Adam Otterburn of Auldhame (afterwards the King's Advocate), to restore on payment of eighty merks, in which Erskine stood indebted to him.

II. This is the first warrant for the office of Secretary to the King, with the keeping of the King's Signets, in favour of "Maister Thomas Erskyne of Haltoun." It is dated

to the Pryor of Resteinote; 16 sh. 4 d. to the Abbot of Couper; 316 lib. 12 sh. to the Queen and her heirs of few duty, and doubling the same the first year of the entrie to the said barony, and deduceing nevertheless the double of the 18 lib. of annuellrent Balnabreich, and the said soum of 5 lib. of Nether Carraldstoun. Saint Andrews 24 March 1550; and confirmation Edinburgh 22 April regni 8. [1550.]" A Collection of Abreviats of Charters. Collected by Sir John Scot of Scotstarvet, pp. 306, 307, 310. MS. Skene House.

"Pittodrie, the seat of Erskin of Pittodrie, descended of Sir [Thomas] Erskin of Brechin, (a cadet of Dun) Secretary to King James V. He exchanged (very surprizingly) the estate of Brechin with the Earl of Mar (who is said to have been his nephew) for that of Pittodrie (then called the estate of Balbaggartie); but his son John (by a daughter of Scrimgeour of Duddop) was the first who settled here. This John, by a daughter of Douglass of Glenbervey, had a son John; who, by a daughter of Gordon of Cluny (son to the Earl of Huntley), had a son Thomas; who, by a daughter of Seton of Meldrum (which daughter was one of the coheiresses of that family), had a son called also Thomas. This second Thomas (of Pittodrie) had (by a daughter of Auchinleck of Balmanno in Strathardil) a son called William; which William, by a daughter of Grant of Ballindalloch, had a son (the present [1726-1732]) Thomas Erskin of Pittodrie; whose heir, by a daughter of Burnet of Craigmyle, is William Erskin." View of the Diocese of Aberdeen, p. 36. MS., Advocates' Library.

(1) Inquisitiones Speciales. Aberdeen 181, 195, 357.

on the sixth of March, 1525; and is subscribed by Margaret, the Queen Mother, and James, first Earl of Arran, who, in the previous July, had assumed the exercise of the government in name of King James V., then a boy of only twelve years of age.

III. In this deed, which is dated on the fifth of October, 1526, the offices of chief Secretary to the King, and Keeper of the King's Signets, are conferred on Erskine for life. His former appointment had been limited to the minority and pleasure of the Sovereign. In the succeeding year, he obtained a further mark of the Royal favour. On the tenth of May, 1527, the Parliament "ratifiis and appreuis the charter of fewferm maid to Maister Thomas Erskin of Haltoun secretar to our Souerane Lord of the landis of Kincrag and vther landis in fewferm in all punctis eftir the tenour of the said charter."(1) He soon afterwards received the honour of Knighthood.(2)

Numbers IV., VI., and VII., refer to an early negotiation, which seems to have escaped the notice of our popular historians, for the nuptials of the King with the unfortunate Princess, whom he afterwards wedded somewhat unexpectedly. So early as the year 1524, the Parliament had contemplated the marriage of their young Sovereign with the daughter of Henry VIII. of England.(3) Again, in 1526, the Estates had ordained "that honest ambassatouris be send intill France and Ingland *as it*

(1) Robertson's Parliamentary Records of Scotland, p. 576. Printed by command of his Majesty, King George III. 1804. (*Suppressed.*)

(2) Between the fourth of September, 1529 (see Registrum Moraviense, p. 418, no. 443); and the sixth of April, 1530 (see below, pp. 180, 181, numbers iv. and vi.)

(3) Robertson's Parliamentary Records of Scotland, p. 545.

sall pleis the Kingis grace to treit apoun his mariage according to his estate riale."[1] From the documents now brought to light, it appears that before April, 1530, the King, then in his eighteenth year, had made his choice. It had fallen upon the daughter of France. Number IV., dated sixth April, 1530, is a letter of credence to King Francis I. from the King of Scots, in favour of Sir Thomas Erskine of Haltoun, Knight, his principal Secretary, for soliciting in marriage the Lady Magdalene, the eldest daughter of the French Sovereign. Of the same date, King James granted a similar letter of credence (Number VI.), in favour of his cousin, John, Duke of Albany, who was then resident at the French court. And a few days previously, and evidently for the purposes of the same negotiation, a transumpt, or certified copy, (Number VII.,) had been made of a charter by which, in 1428, King Charles VII. of France, in consideration of the treaty of marriage between his son the Dauphin (afterwards Louis XI.), and the Lady Margaret of Scotland, eldest daughter of King James I., conveyed to that monarch the county of La Saintonge, with the castle and castellany of Rochfort-sur-la-Charente.

It would appear that, after proceeding thus far, the designed negotiation had been suddenly abandoned, at least for a time; and that the credentials with which he had been furnished for his high mission, remained undelivered with Sir Thomas Erskine.

At the end of two years, the project was revived. Number VIII. is a transumpt made on the sixth of November, 1532, by the Burgomasters of Campvere, of a letter of protection, granted in

(1) Robertson's Parliamentary Records of Scotland, p. 562.

March preceding, by King Henry VIII. of England, to James Bishop of Ross and Sir Thomas Erskine of Haltoun, Knight, passing through his dominions to foreign parts, with forty persons and as many horses in their train. The object of their journey was kept secret from the jealous eyes of Henry; but we learn from a contemporary Scotish chronicler, that it was to treat of a marriage between the King of Scots and the daughter of France.(1) The safe-conduct is dated on the twelfth of March; and the annalist just cited records that the ambassadors, "James Hay, bischope of Ross, and Maister Thomas Erskin, secretare," took their departure on the twenty-sixth of that month. Their embassy, from whatever cause, was unsuccessful; and no better fortune attended a third commission, dated on the twelfth of February, 1534, with which Sir Thomas Erskine, now designed of Kirkbuddo, was entrusted "to treat, of the King's marriage, with the King of France."(2)

The final and unexpected issue of the negotiations for the marriage of the young King of Scots must be familiar to all. In 1536, he set sail for France to espouse the daughter of the Duc de Vendôme, Marie de Bourbon, to whom he had been for some time affianced; but she, whom he brought back to Scotland as his Queen, was not the betrothed bride whom he had gone to wed, but the Princess whose hand he had been bent on seeking six years before, the Lady Magdalene of France. The cause of an altera-

(1) Diurnal of Occurrents, p. 14. Edinburgh. Printed for the Bannatyne Club. 1833.

(2) Scotstarvet's Collection of Abreviats of Charters, pp. 166, 167. MS. Skene House: "Thomas Arskine of Kirbuddo, Knicht, Secretar, has a commission to treat, of the Kings marriage, with the King of France. Falkland, 12 February 1533." See also Pinkerton's History of Scotland, vol. ii., p. 332.

tion in the King's intentions so entire and so sudden has not been altogether satisfactorily explained. Our Scotish annalists, (and, it has been said,[1] that the French historians agree with them), attribute the change of purpose to the affection which the young Princess felt for James from the first moment of their meeting. In the words of honest Pitscottie, "from the time she saw the King of Scotland, and spake with him, she loved him so, that she would have no man on life to be her husband, but him allanerly."[2] The passion of the Lady Magdalene, apparently so sudden, may now, perhaps, be in part accounted for by the circumstance which the paper in the Pittodrie charter chest reveals, and which could scarcely have failed to reach *her* ears,—that in the young King of Scots she beheld one who had been a suitor for her love when she was but in her tenth year. It were out of place here to dwell longer on these ill-starred nuptials, or on the untimely fate of the fond bride; "where-through," says Pitscottie, "there yeid such mourning through the country, and lamentation, that it was great pity for to see; and always the King's heavy moan, that he made for her, was greater than all the rest!"

IX. From this paper it appears that Sir Thomas Erskine shared with the other favourites of the King in the division of the vast possessions placed at his disposal by the forfeiture of the Douglasses in September, 1528. The morsel which fell to the Secretary's lot, was one which, it is said, the Sovereign had at first reserved for himself, as too dangerous a trust to be placed in the hands of a subject,[3]—the hereditary office of Keeper of Tantallon Castle, the

(1) Tytler's History of Scotland, vol. v., p. 213. Edinb. 1841.

(2) Pitscottie's History of Scotland, p. 286. edit. Glasg. 1749.

(3) Tytler's History of Scotland, vol. v., pp. 189, 190.

all but impregnable fortress on the shore of Lothian, from the walls of which, but a few years before, King James himself, after a siege of twenty days, had come back a baffled man. Sir Thomas consents to surrender this important charge into the hands of the King, that it may be bestowed on the eldest of his bastard sons (by Elizabeth Shaw, daughter of the laird of Sauchie), James Stewart, Abbot of Kelso and Melrose. In recompense, the Secretary receives a gift of a pension for five years of two hundred pounds yearly, payable from the lands of Brechin and Navar. He had previously obtained possession of the greater portion of the revenues of that lordship, together with a grant of its ancient Arms,—the three ruddy piles so familiar to the heraldry of Angus and The Mearns.(1)

(1) "Charter to Thomas Areskine of Haltoun of the lordschip of Brechine and lands thairto pertaining, be his own resignation: the seasine to be taken at the Castle of Brichine: solvendo 130 lib. 17 sh. 8 d. Stirling 8 March 1531. The said Thomas Areskine and Elizabeth Scrimgeour his spouse and their heirs has a charter of the mill and barony of Kirkbuddo in Forfar be his own resignation. 8 March 1531." Scotstarvet's Collection of Abreviats of Charters, p. 156. MS.

"Charter to Thomas Arskine of Kirbuddo, Knicht, Secretar, of the lordship of Brechen and Navar, with the Castlestead; and donation of three chaplanaries, and the place of six boyes in the Colledge Kirk of Brichen; and 4 lib. 17 sh. 6 d. of annuellrent out of Carlestoun in Forfar: except the few duties of Brechen extending to 9 libs. doted befor be the Kings father to a chaplane; as also except the lands of Balnabreich disponed befor to umquhill . . . . . Guthrie of That Ilk for 18 lib. 17 sh. 4 d. of few duty; and also excepting the lands of Pittentescall disponed to William Wood of Bonytoun for 31 lib. of few duty. Solvendo 240 lib. *And he gives him the Arms therof because he was ambassadour to forraigne princes.* Couper 4 February 1533. The said Thomas has a commission to treat, of the King's marriage, with the King of France. Falkland 12 February 1533." *Id.*, pp. 166, 167. The grant of the Arms of Brechin explains what puzzled old Nisbet: "Sir [Thomas] Erskine of Brechin, who was Secretary to King James V. descended of Erskine of Dun, carried quarterly, as by his seals which I have seen, first and fourth Erskine of Dun, second and third *argent*, three piles issuing from the chief *gules*, for Brechin, *but upon what account I know not:* His representative is Erskine of Pittodrie." Heraldry, vol. i., p. 41. The three piles are found, in the twelfth century, on the seals of David Earl of Huntington and The Garioch, who bequeathed the lordship of Brechin to one of his illegitimate sons.

X. This refers to the hereditary office of Sheriff of Fife, the possession of which at this time seems to have been matter of contest between the house of Rothes on the one hand, and that of Lindsay of the Byres on the other. In 1525, the parliament had ratified

"The gift and admissioun of the office of Scherefschip of Fiffe maid be the Kingis grace with aviss of my lord gouernour for the tyme to Patrik Lord Lindesay of the Byris Jhone Lindesay of Petcruvy knycht his sone and apperand air and Jhone Lindesay sone and apperand air to the said Jhone vnder the priue sele in all punctis and efter the forme and tenour of the samin off the dait at Dunbertane the xxx day of Maii the yer of God i^{m} v^{c} and xxiiii yeris and of the Kingis regne the xi yer."(1)

Patrick Lord Lindesay died in 1526, and was succeeded by his grandson as well in his titles as in his office of Sheriff of Fife.(2) In June, 1529, the Sheriffship is, notwithstanding the parliamentary ratification, conferred by a royal charter on George, third Earl of Rothes,(3) and it seems to have been possessed by him.(4) The object of the Signet Letter, printed in the text, is to restore the office to Lord Lindsay. It is dated at Falkland on the fourteenth of December, 1538; and on the back of it is a mandate subscribed by the King at Edinburgh on the third of January, 1539, commanding the Secretary instantly to affix the signet to the grant, without waiting till it should be subscribed by the Lord Treasurer; and charging him to keep the warrant secret until the grant shall have passed all the seals, and the King be pleased to make it public.

(1) Robertson's Parliamentary Records, p. 552.

(2) Acts of the Parliaments of Scotland, vol. ii., p. 316.

(3) Douglas' Peerage, by Wood, vol. ii., p. 427.

(4) Sibbald's History of Fife, p. 239. edit. 1803.

The cause of this urgent haste and secrecy may be worth the enquiry of the genealogist or the local antiquary.[1]

Numbers XI. and XII. are letters of credence from King James V. to his cousin John, second Duke of Albany, in favour of Sir Thomas Erskine, his ambassador to the French court. They are without date, but may perhaps be safely enough referred to the month of April, 1530, when Erskine's first embassy to France was projected. The King's entreaty of his cousin to "be supportit of part of smal artailyerye and powdir," may remind the reader of the anecdote told by Pitscottie, that, when James was preparing to lay siege to Tantallon, in 1528, he "gart send to the castle of Dunbar to borrow some artillery, *and laid great pledges for the same*, because the castle was then in the Duke of Albany's hands, and the artillery thereof his own; but it was ever at the King's pleasure, when he had ought ado, and that by the command of the said Duke of Albany; but yet, for restoring and delivering of the same, *caused he three lords pass in pledge for the said artillery, till it were delivered again.*"[2]

XIII. In this letter, which is autograph of the King, he informs the Secretary of certain rumours which he had heard to his prejudice, such as that, when in England, he had spoken with the forfeited Sir George Douglas, and with Sir Archibald Douglas of Kilspindie (the King's "Gray Steil"), and that he took bribes to neglect the King's interest. The confiding, kind, and truly generous spirit which this letter breathes throughout, cannot fail to leave a

(1) In the following year there was a charter of confirmation of the office in favour of the Earl of Rothes: "Confirmation of the office of Shirriffshipe of Fife to George Leslie Earl of Rothes in liferent, and Norman his son in fie. Edinburgh 7 December 1540." Scotstarvet's Collection of Abreviats of Charters, p. 215. MS.

(2) Pitscottie's Hist. of Scot., p. 261.

highly favourable impression of the character of a Sovereign, who, in this very point of his bearing towards his servants, has been sometimes judged with great severity.(1) The monarch's amiable disposition will rise still higher in estimation, when it is considered how much cause he had to complain of the unfaithfulness, or of the treachery outright, of those who served him.

XIV. This writing refers to the disappearance of one of the Royal signets, of which Sir Thomas Erskine was the keeper; and to the measures of precaution taken in consequence of its loss.

Number XV. is a letter written by the King from Stirling on the thirteenth of April, 1542, commanding the Secretary, without waiting for the subscription of the Lord Treasurer, to affix the royal signet to a gift (XVI.) of the lordship of Menteith and castle of Doune to the Queen (Mary of Guise), "to the supportatioun of bying of certane small thingis to hir proper vse."

By number XVII., the King bestows on Sir Thomas Erskine the estate of Charles Fullertoun of Cragy, forfeited for quitting the King's host at the memorable desertion of the nobles on Fala-Muir. It is dated on the twenty-ninth of November, 1542, during the eight days that James passed at Edinbugh, (as Pitscottie tells us, "with great dolour and lamentation for the tinsel and shame of his lieges" in the ignominious route of The Solway Moss,) before he retired to Falkland, where he died on the thirteenth of December following.

(1) Mr. Riddell, writing of the restoration of the Earldom of Marr to the Lord Erskine, in 1565, remarks that "this whole transaction is creditable to Queen Mary, *whose liberality and kindness to her servants*, notwithstanding her failings,—which, after all, find their best excuse in the ascribed rights of Sovereignty, and depraved manners of the age—must ever, independently of her other attractive qualities, throw a degree of radiance over her character. She *here* appears *in striking contrast to her father, James V.*, who tyrannized over," *etc.* Remarks upon Scotch Peerage Law, p. 122, *note*. 1. Edinb. 1833.

Sir Thomas Erskine's tenure of office seems to have expired with the life of his Royal master. On that event, the Regency of the kingdom was conferred on James, second Earl of Arran, and the counsels of the friends of the Reformation for a time prevailed. To this party, as we gather from a casual remark of Buchanan,[1] the Secretary was opposed; and to this, perhaps, may be ascribed, in part, the urgency with which the Regent orders him (Numbers XVIII., XIX., XX., and XXI.) to deliver up certain deeds committed to his keeping by the late King. One of these refers to an incident in the history of the House of Crawford,—the attempt of David, the seventh Earl, to disinherit his disobedient sons, who had seized on the possessions of the Earldom, and put the Earl himself, their father, in fetters.

The Secretary was now far advanced in years, and of infirm body; and on that score his absence was excused (Number XXIV.) from the array of Scotland at Fala in August, 1547. A similar remission (Number XXII.) had been granted to him in the previous year for his absence from the Raid of Glasgow.

XXV. This is a letter of safe conduct to Sir Thomas Erskine to pass from Scotland "to the partis of France Flanderis and Italie and otheris partis beyond se quhar he lykis best for recouering of his eldest sone and ayr out of captiuitie and bringing him hame furth of thai partis." It is dated on the twenty-eighth of March, 1547; but he had not taken his departure on his purposed voyage when August came: in that month we find him rendering an account to the Queen (Number XXIII.) of her feu-duties of the lordship of Brechin and Navar.

This is the latest notice which the writs at Pittodrie furnish of

(1) "Thomas Areskinus.....*Papisticae factioni deditissimus,* et Regi ab epistolis." Buchanani Rerum Scotic. Hist., lib. xiv., cap. lvii.

the Secretary. Of the papers which follow, two (XXVI. and XXVII.) refer to his successor, in the reign of King James VI.: the third (XXVIII.) belongs to the reign of King Charles I.

XII. The Erroll Papers.

The Club are indebted to the Right Honourable the Earl of Erroll, one of their Vice-Presidents, for the ready access which he has permitted to the archives of his distinguished House, so justly described as "abounding with many interesting relicks, fully evincing the grandeur and antiquity of the 'Constabular' Family."(1)

Of the papers selected for publication in this volume, the first place has been given to those which refer to the high office that for more than five centuries has been hereditary in the Lords of Erroll. A collection of "Bands of Manrent" follows. The third place is assigned to a selection of a few of the letters which are preserved at Slaines; and the last is occupied with the more ancient charters of the House, and one or two miscellaneous documents. The many and interesting deeds which refer to the topographical antiquities of Aberdeenshire, where The Constable had vast possessions, have been reserved for a more appropriate place in a volume devoted to that subject.

I. THE CONSTABULARY.

Some of the papers regarding the Constabulary, preserved at Slaines, have been printed before, although not in the accurate form

(1) Riddell's Remarks on Scotch Peerage Law, p. 117. *note* 3.

in which it is hoped that they are now presented. These have been permitted a place here, partly on that score, partly also on the ground that it appeared desirable to bring together, for the first time, all the documents of any importance that remain to illustrate the greatest of the few hereditary offices of her ancient Crown, which were spared to Scotland by the Treaty of Union.

I. At the commencement of the revolution which placed the Earl of Carrick on the throne of the Kingdom of the Scots, the office of The Constable was, (by inheritance, through the illustrious line of De Morvill, and the ancient Lords of Galloway, and De Quinci, Earl of Winchester,) vested in the person of John Cumyn, Earl of Buchan.(1) On his forfeiture, Bruce conferred it on David de Strathbolgie, Earl of Atholl, the most powerful perhaps of the lords who then supported his pretensions to the crown. But this fickle Earl soon returned to his allegiance to the King of England; and his attainder placed the dignity a second time at the disposal of the new made Sovereign. King Robert now chose for the honour, one of the most faithful of all his followers, Sir Gilbert the Hay, of whom it was said that he and the Earl of Lennox were always with the King, his inseparable companions everywhere in all his troubles and wanderings.(2)

(1) Lord Hailes has traced the descent of the Constabulary in the Additional Sutherland Case, chap. ii., pp. 27—30.

(2) "Regem vero praedictum soli Comes de Levenax, et Gilbertus de Haya de numero nobilium secuti sunt, et in omni tribulatione sibi comites individui facti sunt. Et licet aliquando, cogente hostium persecutione, ab ejus praesentia fuerunt divisi, ab ejusdem tamen fide et dilectione nunquam recesserunt." J. Forduni Scotichronicon, lib. xii., cap. xi., vol. ii., p. 233, edit. 1759. So also Archdeacon Barbour (The Bruce, b. vi., ll. 411—414. Dr. Jamieson's edit.)

"His brodyr gan he with him ta,
And Schyr Gilbert de le Hay alsua,
The Erle off Leuenax als wes thar,
That with the King was our all quhar."

The charter (Number I.) is dated, a few months after the battle of Bannockburn, on the twelfth of November, 1314. The clause "*cum* HOSTILAGIIS *ad dictum officium pertinentibus*" has afforded scope for considerable discussion. So early as the reign of King Charles I., the commissioners appointed by the Sovereign to enquire into the privileges of the office, reported that the word was "absolete and out of vse," so that they knew not "perfytlie the genuine sense and meaning thereof, and whither the same doeth import the libertie and right of a ludgeing deulie furnished and appointed within the Kings house (as manye doe suppose), or of ane house in euerye toun where the King did remayne, or if there be ony vther previledge or casualitye thairby implyed." (1) Yet Du Cange, in the succeeding century, ventured on a definition of the term, without any hesitation: "HOSTILAGIUM, pretium seu salarium, quod exsolvunt mercatores extranei pro locario domorum, seu apothecarum, in quibus reponunt merces suas vendendas et distrahendas in nundinis publicis."(2) A living antiquary, professing to adopt this interpretation, says, the word here "seems to imply the right of levying a tax upon hostellaries, or houses within burgh, where foreign merchandise was exposed." (3)

It is not without considerable reluctance that the Editor ventures to differ from an authority of such eminence; but, with all submission, he would suggest that the term must have had a wider meaning, and that, while it may have comprehended such a tax on merchandise as that spoken of by Du Cange, it extended also

(1) See below, p. 227.

(2) Glossarium ad Scriptores Mediae et Infimae Latinitatis, tom. iii., p. 1214. Parisiis, 1733.

(3) Riddell's Remarks upon Scotch Peerage Law, p. 114.

to some such privilege as that of "ane house in euerye toun where the King did remayne," as hinted by the commissioners of King Charles I.

The interpretation of Du Cange, so far as it goes, may, perhaps, be sufficiently borne out by the Act of Parliament, 'Of Distressis for Constabil Feis,' printed in the text, (Number III.) The preservation of the peace in the King's fairs was more peculiarly the care of The Constable; and he would, therefore, have an obvious right to a tax which was levied on those who enjoyed the chief benefit of the order and security which it was his duty to maintain.[1]

In support of the opinion which would restrict the word to this single use, reference has been made to a passage in the Chamberlain Ayre. That ancient law-book enumerates the matters into which the King's Chamberlain, at his visitation of the King's burghs, is to make privy inquiry,—"*Articvli inqvirendi in privata et secreta inquisitione*,"—and of these one is, the Hostilages in the burgh,—"*De Hostilagiis in Burgo*."[2] This would seem to refer to something more permanent, more intimately related to the *territory* of the burgh, and more nearly touching the interest of the Crown, than the precarious fees payable by strange traders, or even a tax leviable on inns and booths. From the interesting charter of King Malcolm IV., in 1157,[3] we know that to the office of *The Steward* there was attached a toft or piece of land, for a lodging to himself, in each of the King's Burghs,—"*in unoquoque burgo meo unum plenarium thoftum ad hospicia sibi in eo*

(1) Mr. Riddell, plausibly enough, suggests that, "as *Comes Stabuli*, a tax upon inns is evidently compatible with the nature of his office."

(2) Iter Camerarii, cap. xxxix. § 67. *ap.* Leges Veteres Scotiae, p. 171. Lond. 1613.

(3) Printed in Andrew Stuart's Genealogical History of the Stewarts. Lond. 1798.

facienda." There is evidence that, in one at least of the King's towns, a similar privilege belonged to the office of *The Constable;* and that the term *Hostilagium* was expressly applied to denote as well the "toft" pertaining to him, as that pertaining to The Steward. In the following charter, (printed from the archives of The Marischal College,) dated at Colly, on the twentieth of October, 1367, Alice, widow of John Edeson of Colly, conveys to her kinsman, Alan of Gilnafoylt, four acres of lands lying on the north side of the town of Colly, "*between the* HOSTILAGE *of the Lord Steward of Scotland on the one hand, and of the Lord Constable of Scotland on the other.*"

"Disposicio · iiijor · acrarum terre in Colly · Alano de Gilnafoylt ·

"Omnibus hanc cartam visuris vel audituris / Alicia relicta quondam Johannis filii Ede de Colly / salutem in Domino sempiternam · Noueritis me non vi aut metu coactam aut dolo seu fraude quacunque seductam sed in mea legittima viduitate existentem / dedisse concessisse et precise vendidisse necnon et omnino ac imperpetuum quiete clamasse et hac presenti carta mea confirmasse / dilecto consanguineo meo / Alano de Gilnafoylt / illas quatuor acras terre mee cum edificiis earundem jacentes in boreali parte ville de Colly simul in vno fronte / *inter hostallagium Domini Senescalli Scocie ex parte vna Domini Constabularii Scocie ex parte altera* / pro quadam summa pecunie michi pro vero valore dictarum quatuor acrarum terre cum edificiis tam ad mea debita acquietanda quam ad sustentacionem vite mee per ipsum Alanum simul et plenarie persoluta · De qua quidem summa pecunie me pro me et heredibus meis et meis assignatis contentam denuncio et pacatam / et prefatum Alanum pro se et heredibus suis et suis assignatis quietum clamo et penitus absolutum · Tenendas et habendas predictas quatuor acras terre / cum edificiis / prefato Alano et heredibus suis et suis assignatis a me et heredibus meis et meis assignatis in feodo et hereditate imperpetuum / cum tota debita longitudine et latitudine earundem / sine quacunque reclamacione siue clameo per me vel heredes meos aut assignatos aliqualiter inde facienda / quocunque tempore presenti seu futuro · adeo libere quiete plenarie et honorifice bene et in pace sicut ego predicta Alicia dictas quatuor acras terre cum edificiis earundem aliquo vnequam tempore tenui vel

possedi · Faciendo inde domino superiori / qui pro tempore fuerit / seruicium debitum et consuetum pro omni alio seruicio seculari exactione seu demanda que per me et heredes meos aut assignatos a predicto Alano vel heredibus suis aut suis assignatis aliqualiter exigi poterit vel requiri · Et ego predicta Alicia et heredes mei et mei assignati predictas quatuor acras terre cum edificiis earundem prefato Alano et heredibus suis et suis assignatis / tanquam precise venditas / contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus · In cuius rei testimonium / quia sigillum proprium non habui / sigilla discretorum virorum · Alexandri Fraser · Alexandri Berklay · et Symonis Burnard · superioris domini dictarum quatuor acrarum terre · presenti carte mee cum instancia apponi procuraui · Apud Colly vicesimo die mensis Octobris / anno Domini millesimo tricentesimo sexagesimo septimo · Hiis testibus / Johanne de Kirktoun · Duncano filio Thome · Waltero filio Thome / et multis aliis · "

The town and barony of Colly, or Cowie, in The Mearns, remained in the Crown, under the administration of a steward or thane, until about the reign of King Robert II. Of the ancient "*villa de* Colly," the ruins of a small chapel, and a range of fishermen's huts, are now all that meet the eye; but vestiges of its ancient state survived the beginning of the seventeenth century, and kept alive some memory of the tofts or *hostilages* of The Steward and The Constable.(1)

(1) "At the mouth of Cowy water, there is a free Burgh called Cowy, *vestusta magis quam opulenta*, by reason of the want of a shore or sea-port for ships. There is to be seen beneath the town the ruines of a Castle built, as is supposed, by Malcolm Canmore, the Town of Cowy [being] made a free Burgh by the said King. Besides these ruines, there is an old chappell called the Kirk of Cowy, and a chaplainrie belonging thereto, given out by the King of old; and the parson of Fetteresso hath a portion of the said chaplainry, given to him by the King's donation, to this day. There be many crofts of land yet beside this ruinous Castle and the Town of Cowy, that have their several denominations from the several office men of the said Palace, as Cook's croft; Porter croft; '*Stable croft; Steward croft;* and have their several charters to this effect." A Note of Some Remarkable Things within the Sheriffdom of the Merns by Mr. John Keyth sometime minister at Dunotir and late minister at Garvock *ap.* Maclarlane's Geographical Collections, vol. iii. MS. Advocates' Library.

In the same repository from which the preceding charter has been derived, is preserved another, dated at Aberdeen, on the twentieth of January, 1482, by which Alexander Menzies, burgess of Aberdeen, conveys to the Prior and Convent of the Friars Carmelites there, an annuity of six shillings and eight pence, payable "from his lands of the *hostilage of Colle* lying on the west side of the town of Colle."

"Carta Alexandri Menzeis annui redditus · vj s · viij d · de terris de Colly ·

"Omnibus hanc cartam visuris vel audituris Alexander Menzeis burgensis burgi de Aberdene eternam in Domino salutem · Cum omnes in die judicii stabimus ante tribunall Domini nostri Jhesu Cristi siue bonum siue malum prout in corpore gessimus recepturi / idcirco expediens et necessarium est valde extremum diem iudicii operibus misericordie preuenire vt seminata in terris cum multiplicato fructu colligere valeamus in celis · Noueritis me propterea pro salute anime mee et Elezabeth Lesly sponse mee / animarum patris [mei] Andree Menzeis et matris mee Mariote Abirbuthnot parentumque nostrorum amicorum benefactorum nostrorum et omnium fidelium defunctorum · dedisse / concessisse et hac presenti carta mea confirmasse / Deo Omnipotenti · et gloriose Virgini Marie · et beato Victori Martiri · et Omnibus Sanctis · ac priori et conuentui Fratrum Carmelitarum burgi predicti · et suis successoribus · vnum annuum redditum · sex solidorum et · viij^to^ denariorum / vsualis monete Scotie / excuntem annuatim et leuandum / *de terris meis hostalagii de Colle* · jacentibus in villa eiusdem ad occidentalem partem eiusdem ville de Colle · in qua nunc inhabitat Johannes Samsoun / ex australi parte vie regie qua itur ad aquam de Colle · in constabillaria eiusdem infra vicecomitatum de Kyncardin · Tenendum et habendum [*etc.*] · Faciendo inde annuatim dicti prior et conuentus et sui successores · seruicium vnius anniuersarii ad altare Beate Marie principale in eorum ecclesia situatum / cum *placebo* et *dirige* et missa solempni de requie / cum candelis et luminaribus ardentibus honestis et decentibus / pro consimilibus anniuersariis vsitatis / in Sabbato et Dominica immediate post Festum Circumcisionis Domini · cum precone in Sabbato preeunte ut moris est / cum aliis orationum suffragiis [*etc.*] / tantum pro omni alio seruicio seculari [*etc.*] · In cuius rei testimonium sigillum meum est appensum / apud Abirdene vicesimo die mensis Januarii · anno Domini

millesimo quadringentesimo octuagesimo primo · Testibus prouidis viris Jacobo Lesle preposito / et Dauid Menzes · Alexandro Rede · Johanne Menzeis · Duncano Smyth burgensibus / et domino Roberto Leis notario publico cum multis aliis · "

It will probably be found that the term *hostilagium* was of more frequent use than has been supposed. The unknown author of a "Memoriall anent the Constabulary," written about 1730, and preserved in manuscript at Slaines, says, "Yea, I hear the same word *Hostilagiis* is to be found *in other mens charters*, and has been understood by them, with respect to the indwellers within the barony, as a servitude of lodging (such as was the practice amongst the Ireish till of late, and amongst ourselves of old); and has therefore been converted by them into an yearly rent."

II. In this paper[1] we see The Constable granting a lease of his *hostilagium*,—or, as it is here called, "The Constable Land,"—in the burgh of Inverness, taking the tenant bound "to find yeirly to the said Lord [or] his airs a sufficient stable upon the said ground for the number of twelve horses for all the tym of their residence in the burgh of Inverness / togidder with sex pennies Scots yearly."

III. The Constable as "proper and sole iudge in all militarye affaires"[2] presided in all Tournaments and Passages of Arms. In consideration of this charge, he enjoyed the high and singular privilege of a right, on these occasions, to the King's Palace or residence. King David II., says Mr. Riddell, "declares by a deed on the twenty-sixth of February, in the third year of his reign [1333] that the grant which he had made to Sir John Somerville of his *palatium*

(1) Printed from an old copy at Slaines, as have been Numbers III., V., VII., XVII., and XVIII., the originals of which were not found.

(2) See below, p. 225.

at Aberdeen, during a Tournament, should not be held to prejudice the right of The Constable or his successors."[1] From the document, Number III., it appears that The Constable had right likewise to the materials of which the Lists, or *Barras*, were framed, within which the Tournay was fought. This is an instrument by a notary, attesting, that on the thirtieth of July, 1501, the provost, baillies, treasurer, and certain of the burgesses and neighbours of Edinburgh, appearing before a noble and mighty Lord, William Earl of Erroll and Constable of Scotland, set forth and showed how they had been summoned at his instance before our Lord the King, and the Lords of his council, for their unjust intromission and detention from him, the Earl, of certain trees, timber, and other materials of the enclosure or ring called *The Barras*, in which John Coupante, Frenchman, and Sir Patrick Hamilton, Knight, fought and contended, within the said burgh: That in this matter they were unwilling to stand or appear in plea against his Lordship, but had paid to him a certain sum of money, with which the said Lord Earl held himself contented, for the said *Barras:* And, in consideration of the favours and gratuities to be done and rendered by the said Lord Earl to the said provost, baillies, and burgesses, in name of the said burgh, they promised to support and maintain the said Lord in his full right of his office of Constabulary, and not to molest him in like cases when they should happen, nor, in others touching his office, to do or attempt anything against him.

The occasion on which these Lists were erected was for a famous combat under the walls of the Castle of Edinburgh, where the King presided in person, and which has been graphically described by

(1) Riddell's Remarks upon Scotch Peerage Law, pp. 114, 115, citing a copy of the deed in the British Museum.

Lindsay of Pitscottie. The name of the foreign Knight has proved a stumbling-block to the simple chronicler, or to his transcriber: in some copies of the work he is called Cockbenis, in others Cockbewis, or Clokehewis, and in all he is styled a Dutchman:

"Soon after this there came a Dutch Knight in Scotland, called Sir John Clokehewis, and desired fighting and justing in Scotland, with the Lords and barons. But none was so apt and ready to fight with him as Sir Patrick Hamilton, brother to the Earl of Arran, being then a young man, strong of body, and able of all things; but yet, for lack of exercise, he was not so well practised as need were; though he lacked no hardiment, strength, nor courage in his proceedings. But, at last, when the Dutchman and he were assembled together, both on great horse, within the Lists, under the Castle-wall of Edinburgh; so, after the sound of the trumpet, they rushed rudely together, and brake their spears on ilk side on other; and afterward got new spears and rancountred freshly again: But Sir Patrick's horse uttered with him, and would nowise encounter his marrow, that it was force to the said Sir Patrick Hamilton to light on foot, and give this Dutchman battle; and therefore, when he was lighted, cried for a two-handed sword, and bade the Dutchman light from his horse, and end out the matter, saying to him, "A horse is but a weak weapon when men have most ado!" Then, when both the Knights were lighted on foot, they joined pertly together with awful countenances, and every one strake maliciously at other, and fought long together with uncertain victory; while, at the last, Sir Patrick Hamilton rushed manfully upon the Dutchman, and strake him upon his knees. In the mean time, the Dutchman being at the earth, the King cast his hat out over the Castle-wall, and caused the judges, and men of arms, redd and sunder them; and the heralds and trumpets blew, and cried the victory was Sir Patrick Hamilton's. This Sir Patrick Hamilton was brother-german to the Earl of Arran, and sister and brother-bairns to the King's Majesty, and was a right noble and valiant man all his days."(1)

Sir Patrick, one of the best Knights of the age, and widely celebrated for his courage and skill in arms, fell, in 1520, in the memorable skirmish on the High Street of Edinburgh, called

(1) Pitscottie's History of Scotland, pp. 188, 189.

"Cleanse the Causeway," into which he was hurried by a taunt from the natural son of his brother. "Thou liest, bastard smaik!" Sir Patrick replied, "I dare fight where thou wilt not be seen this day!": and with this, says Pitscottie, "rushed rudely out of their lodging, and past to the High-gate, in a furious rage." This accomplished Knight was the father of the young "proto-martyr of the Reformation in Scotland," Patrick Hamilton, Abbot of Ferne.[1]

V. The criminal jurisdiction of The Constable was supreme,[2] in all matters of slaughter, riot, disorder, or bloodshed, committed within four miles of the King's person, or (in his Majesty's absence) of the Parliament or Council representing the Royal authority. To The Constable and his Deputes the trial and punishment of every such offence exclusively belonged; and all other judges within the prescribed circuit were bound to assist him and his officers in taking and keeping the offenders.[3] This was a restriction of the jurisdiction of the magistrates of burghs which seems to have been most impatiently submitted to, especially by the magistrates of Edinburgh, rising rapidly as that town was to

(1) Anderson's Historical and Genealogical Memoirs of the House of Hamiltoun, pp. 316, 317. Edinb. 1825.

(2) The royal commissioners in 1631 reported to the King, by whom their report was sanctioned, "that The Constable is *supreame* iudge in all materis of ryot," *etc.* (see below, p. 226.) But Mr. Riddell has shown that "the criminal jurisdiction of The Constable, *at least at one time, was subject to review in the Court of Session.* On the 18th of August, 1565, William Henderson, the Constable-depute, at a court of Constabulary, held in the tolbooth of Edinburgh, obtained a verdict of a jury against Janet Dick, for 'caussing lett down aine daill quharewith Grissil Henderson was hurt to the effusion of her blood'; but on the case being brought by advocation into the Court of Session, the judgment was reversed. Act. Dom. Con. et Sess. v. xxxv. 165 b., and Privy Council Register." Remarks upon Scotch Peerage Law, p. 117.

(3) Page 226.

the influence and dignity of a Metropolitan City. A numerous class of the deeds in the text (Numbers V., VIII., IX., X., XX., XXII., XXIII., XXIV., XXV., XXVI.,) refers to the attempts of inferior magistrates, chiefly those of the Capital, to infringe on the exclusive jurisdiction of The Constable.

By Number V.,[1] he constitutes the provosts and baillies of Edinburgh his Deputes in the office of Constabulary for the term of three years; and they, on the other part, became bound not to derogate from the privilege of The Constable's courts by holding any of their own courts, "burrow court sherif court or water court"; nor to take trial of any action of "blude nor strublance committed be ony partie or ony persons the Kings Majestie beand in the town of Edinburgh or within four miles about," except by the authority of their deputation from The Constable. They farther agree that although The Constable has given them "the unlawis and escheits of courtis and *barras*"—that is, the fines and forfeitures of persons convicted in the Constable Courts, and the forfeiture of the arms, weapons, and jewels, of those who were vanquished in the Lists,—yet, when his Lordship happens to be present in person, he shall be at liberty to remit and forgive the penalty and forfeiture at his own good pleasure. This document is dated on the seventeenth of February, 1507.

Towards the close of the succeeding century, the magistrates of Edinburgh seem to have begun openly to invade the privileges of the Constable Courts; and in Number IX. they are charged to desist from their attempts, by Letters from the King, who sharply

(1) This deed, it appears, was recorded at length in the records of the Commissary Court of Edinburgh, 9th July, 1582.

rebukes them for their presumption, and pertinently reminds them of the terms of their deed of obligation in 1507.

In Number X., the King, with equal sharpness, rebukes the baillies of Leith for a similar encroachment on The Constable's privileges, the observance of which generally he had previously enforced in a circular letter (Number VIII.) to the magistrates of all burghs "within our realme quhair euer our presence and palice of honour salbe for the tyme." Numbers XXII., XXIII., XXIV., and XXV., refer to the trial of a minister of the kirk, who committed man-slaughter on Sunday the first of August, 1641, during the sitting of the Parliament and the General Assembly. It was finally adjudged by the Parliament that the cognizance of his crime belonged to The Constable. In Number XXVI., the Earl of Crawfurd-Lindsay, hereditary bailie of the Regality of Saint Andrews, declares that the execution of a woman for the murder of her child, during the sitting of the Parliament at Saint Andrews in 1646, shall not in anywise prejudice the rights of the High Constable.

It would appear that The Constable, although he offered no obstacle to the trial of the assassins proceeding in another court, did not forget to assert his high privileges on the memorable occasion of the murder of Darnley at the Kirk of Field, in 1567. The following protest is preserved at Slaines, but in a copy too modern and imperfect to warrant its introduction into the text:

"The quhilk day compearit Mr. Henry Kinross, procuratour for Andro Master of Erroll, Constable of Scotland, and alleagit, That the Constable for the time of this realm has been, at all times bypast, only judge competent to all sik persons as has been accusit criminally for committing of slaughter, murder, or blood drawin near to the Presence Chalmer, and within four miles to the same: And,

therefore, the said Master now beand Constable of this realme,[1] ought and should be judge competent to James Earl Bothwell and others his alleagit complices, callit this day, and to be accusit for art and part of the alleagit cruell treasonable slaughter of unquhill Henry King of Scots: And, in case Archebald Earl of Argyle, as Justice Generall of this realm, or his deputs, proceed and cognosce in the said cause, The said Mr. Henry, procuratour forsaid, protests solemnly that the samen proceeding therein, on no ways hurt nor prejuge the said Constable his office, jurisdiction, or infeftment thereof in ony sort, But that he may use and exerce his said jurisdiction in all sick cases in times comeing, conform to his infeftment of the said office, and use of cognosceing used by his predicessors and him of before in semblable causes, at what time he makes it to be known either be infeftment or otherways sufficiently, him to haf jurisdiction in sick causes: And desirit the samen protestation to be insert in the Books of Adjurnall, and admitted under protestation that he affirme not my Lord Justices jurisdiction in ony sort in proceeding in the said matter."

Mr. Riddell has remarked that The Constable's court, "to its credit, be it spoken, did not too pertinaciously adhere to their privileges, on remarkable occasions, when the good of the country, or the interests of the community were at stake." He adds, that "the High Court of Constabulary sat till the period of the Union, the office being, usually, as before, discharged by Deputies. It had its Procurator Fiscal, and exacted fines and penalties. In the year 1699, there was an arrear of fifty processes; in fact, during the sitting of Parliament, the duty could have been no sinecure."[2] One of the last occasions on which The Constable had to exercise his privilege was in the year 1703, on account of a brawl within the walls of the Parliament itself; "the Lord Belheaven and Sir Alexander Ogilvie of Forgeland, two members

(1) Probably by deputation from his father George the seventh Earl. Such a deputation, but without date, is mentioned in an old inventory of the writs at Slaines.

(2) Remarks upon Scotch Peerage Law, p. 117.

of Parliament, having upon the tuenty sixt of June instant committed a disorder and ryott by using opprobrious language *and beating one another*, within the Parlament hall, betuixt the amphitheatre and the railes, when the Parlament was sitting."[1] The offending members were delivered to the custody of The Constable, who offered no obstacle to the Parliament taking trial of their crime, it being understood "that their assuming and judgeing of this caice shall not be made a preparative nor derogat from the right and priviledges of the High Constable."

VI. This is a dispensation by King James V. for serving William (sixth) Earl of Erroll heir to his father in the office of Constable, in the Sheriffship of Aberdeen, and in the patronage of the Kirk of Turriff, notwithstanding that he was still a minor. The document, which is dated in April, 1537, enables us to restore to the line of The Constables one, of whom the peerage writers have overlooked, that he succeeded to the office and Earldom. He died in his twentieth year, in August, 1541.

VII. The Constable's jurisdiction extended to the punishment of messengers of arms, and other servants of the military court. In this deed, dated at Edinburgh on the sixteenth of January, 1565, The Lyon King of Arms,—the famous Sir David Lyndesay of the Mount,—having, with his Heralds, in solemn chapter conveened, found a messenger guilty of oppression of our Sovereign Lady's lieges, order her Grace's arms to be torn from his breast, "and his person to be delivered to my Lord Constable to be punished at the Queens Heynesses pleasure." Only a copy of this document exists at Slaines, in the handwriting of the early part of the last cen-

(1) Informatione for the Earle of Erroll. 1703. MS. at Slaines.

tury. A more copious record of the same sentence, also preserved there, but in a still more recent hand, is subjoined in a note.(1)

XI. The line dividing the kindred offices of The Constable and The Marischal was not sufficiently well defined to prevent conflict between them. Their claims came into collision chiefly during the sitting of the Parliament. As a general principle, it was laid down that to The Constable belonged the custody of the keys of the Parliament House, and the keeping of guard without its gates; while the maintaining guard within the walls was the duty of The Marischal. But the exceptions from this rule were too manifold not to give rise to frequent disputes; and to these a considerable number of the documents in the text refer, (Numbers XI., XII., XV., XIX., and XXI.) This last, dated in 1639, is a statement by William Hay of Dronlaw, who had served as the deputy of The Constable, of the form and order observed in the four Parliaments

(1) At the Abbay of Halyrudehouse, in the Chaptour thereof, the 16th day of January, the year of God 1554.

The whilk day, Sir David Lindsay of the Mont, Knight, Lyon King of Arms, accompanit with Archbald Earl of Angus, George Earl of Erroll, Constable, and his bretheren Heraulds, chaptourlie conveenit for the time: Havand consideration of the manifold oppressions, extortions, and complaints committed by William Crerar, messenger; and, in speciall, upon the tennents and workmen of the Abbay of Coupar and country adjacent thereto, as was nottourly proven before the said King of Armes, his assessors and bretheren Heraulds; and ane part of the said extortions and oppressions confessit in their presence be the said William: Therefor, the said King of Armes, with auise of the saids noble and mighty lords his assessors, and his bretheren Heraulds, Decernes and ordaines Our Sovereign Ladys arms to be tane off the said Williams breast: And hes deprivit and deprives him of his said office of messengry; and his person to be delivered in my Lord Constables hands to be punishit at the Queen's Highness pleasure, in example of others. Extracted be me, Adam Mackculloch, Bute Pursevant, Clerk of the Office of Arms, under my signe and subscription manuale. *Sic subscribitur*, Adam Mackculloch, Bute Pursevant, Clerk of the Office of Armes, with my hand.

Another copy of this extract is preserved in MS. in the Advocates' Library, from which it has been printed by Chalmers, in his edition of the Poetical Works of Sir David Lyndsay, vol. i., pp. 38, 39. Lond. 1806.

preceding the year 1633. Nisbet has described, with sufficient accuracy, The Constable's duties, as they were exercised in our last national parliaments:

"I find in the orders for Riding the Parliaments of Scotland, at Edinburgh, in the years 1661, 1681, and 1703, the Lord High Constable and Marischal are (in the morning of that day the Parliament is to be ridden) to wait on his Majesty's High Commissioner at the palace of Holyroodhouse, and to receive his orders, and from thence, returning privately, the Constable is to come out of his lodging on foot, and having viewed the rooms under and above the Parliament House, put on his robes, and, having his batton in his hand, set himself in a chair at the entry of the Parliament Close, at the Lady's Steps, by the outmost of his guards, from which he is to rise and salute the members, as they alight from their horses, and to recommend them to the gentlemen of his guards to be conducted to the Marischal's guards. And at the Riding of the Parliament, *anno* 1661, Gilbert Earl of Erroll, Lord High Constable of Scotland, received the members of that Parliament (says the author of *Mercurius Caledonius*, page 3.) at their arrival at the Parliament Yard, attended with his guard of one hundred gentlemen of his name, armed with swords, pistols, and gilded pole-axes. And, at the return of the members of Parliament back to the palace, the Constable rides on the High Commissioner's right hand, with a cap of permission on his head. How soon his Majesty's High Commissioner alights from his horse, in his coming to the Parliament, the Lord Constable receives him, and attends him to the Marischal guards, and then both Constable and Marischal convey him bare-headed to the throne, and are in the same manner to attend him in his returning to horse. And always, during the sitting of our Parliaments, the High Constable kept his guards without the Parliament House, and the Marischal his guards within the same; the one to keep the peace within, and the other without doors."(1)

XIII. King Charles I. seems, early in his reign, to have set himself to the task of building up the many breaches which the misrule of nearly a century had made in the ancient offices and

(1) Nisbet's Heraldry, vol. ii., part iv., pp. 68, 69.

dignity of his Crown. Among other objects of his restoring care, the great hereditary honour of The Constable was not neglected. Within two years after he succeeded to the throne, he granted a commission (XIII.) to inquire into its old and accustomed rights, privileges, and prerogatives. The commissioners seem not to have made any report; and, in 1630, a second commission was issued. In obedience to this, the chancellor, and other officers of the council, prepared a report (XIV.), which has ever since been regarded as that by which the exercise of The Constable's office is to be regulated. It is unnecessary to dwell on this document. However far the rights which it concedes may fall short of those which belonged to the dignity in former ages, there is no reason to doubt that it describes, with all fairness, every privilege which, in the beginning of the seventeenth century, had been spared from the great encroachments made on every branch of the Royal state, or which had survived "the manye ecclypses whiche that noble House fra tyme to tyme hes suffered vpoun occasioun of the vntymous death of the most pairt of his predicessouris, who, oute of thair zeale to the Kings seruice and honnour of thair countrey, did worthielie end thair daies in battell, before they could gayne the oppertunitie of tyme, or rypnes of yeiris, to satle thair estaites and to vindicat the liberties due to thair place and office."(1)

XVI. In this letter to the Lords of his Privy Council, the Sovereign conveys his approbation of the report which had been made to him on the privileges of The Constable; but recommends the farther consideration of the dignity and charge belonging to the office, on the approaching occasion of the King's coronation at Holyrood.

(1) Page 227.

XVII. This is the farther report made by the Lords of the Privy Council, in obedience to the commands of the Sovereign. The account of the coronation of King Charles I., which Sir James Balfour, the Lyon King of Arms, has left to us, shows the duties which it eventually fell to the Constable to discharge. In the morning, "the King, from his chalmber of presence to the grate hall of the Castle of Edinbrughe, wes conducted by the Lord Grate Constable, one the right hand, and the Earle Marishall one the lefte, quho all this day did carey ther battons of office in ther handes." In the procession from the Castle to Holyrood, The Constable rode immediately before the King, on the right hand of the Earl of Angus, who bore the Crown, in virtue of his high hereditary privileges of giving the first vote and taking the first seat in Parliament, of leading the vanguard of the King's army on the day of battle, and of bearing the King's Crown in the Riding of the Parliament. After service in the chapel of Holyrood, the Archbishop of Saint Andrews, The Constable, The Marischal, and the Lyon King, presented the Sovereign to his people. When the King had been crowned and anointed, The Constable girt the Sword of State upon his Majesty's side. "After this did the Lord Chamberlaine lousse the Kinges suord quherwith by The Constable he was girt; the Kinge taking it in his hand, offers it, the Archbischope layed it one the communion table; then did the Lord Constable redeeme it vith ane offring, and drauing it fourth, did carey the same naked befor the King."(1)

(1) Sir James Balfour's Works, vol. iv., pp. 385—400. Edinb. 1825. Mr. Riddell has stated, that "as in France, the Constable of Scotland bore a sword, as the emblem of his office, with which *sheathed*, he walked at *coronations*." But the very reference which he makes to Balfour shows that it was not on the occasion of the King's *coronation*, but on that of

At the coronation of King Charles II., at Scone, in 1651, The Constable, although a minor, was "brought by his tutouris and curatouris from the schooles to be present." (Numbers XXVII. and XXVIII.) The part which he bore on that occasion is minutely described in the text.

XXIX. This is a report by the Lords of the Committee for the coronation of King George I., in 1714, on the precedency due to the Lord High Constable of Scotland. It does not appear, however, that his lordship took his place in person in that ceremony. On the occasion of the coronation of King George II., in 1727, Mary Countess of Erroll claimed to act by Deputy; and her claim being allowed, the Duke of Roxburgh officiated as Deputy Constable. (Numbers XXX., XXXI., and XXXII.) The reader will scarcely need to be reminded of the marked appearance of The Constable, at the coronation of King George III., in the person of James the fifteenth Earl, not less distinguished for his high and generous spirit and amiable mind, than for his noble bearing and heroic form and stature.

Since the Union with England, The Constable has only once had to discharge his functions on Scotish ground,—on the visit of his late Majesty King George IV. to the capital of his ancient kingdom, in 1822. On this occasion his lordship was attended by eight esquires, on horseback; and by four pages, ten grooms, and twenty-five yeomen, or marshall-men, on foot; besides some scores of their Highland followers, placed at his disposal by the Duke of

his *entry into Edinburgh*, that it was appointed that the "Earle of Erole, Grate Constable of Scotland, by his Maiesties appoyntment, sall receaue from the Dueke of Lennox, Lord Chamberlane, *ane shethed suord*, wich the said Earle sall carrey immediatlie befor his Maiestie, and sall ryde vpone the Lord Chamberlaine his right hand." *Id.*, pp. 355, 359.

Argyll, the Countess of Sutherland, the Earl of Breadalbane, Lord Gwydyr, Sir Evan Macgregor, and Glengarry. As part of the *Hostilagia* conveyed by the charter of King Robert I., The Constable claimed apartments in Holyrood; and rooms were accordingly set apart for his use, in the immediate vicinity of the private chambers occupied by the King. Immediately on his Majesty's landing, all criminal jurisdiction, within four miles of the presence, became vested in The Constable; and, in order that justice might flow in its accustomed channel, the sheriff of Mid-Lothian, the magistrates of Edinburgh and Leith, the bailie of Holyrood, and the judges of police, were constituted his Lordship's Deputes in the office of Constabulary. In the procession from Leith to Holyrood, The Constable, carrying the baton of his office, took precedence immediately before the King; and in that from Holyrood to the Castle of Edinburgh, he rode on the right hand of his Majesty's carriage, still bearing his baton.(1) At the civic banquet in the Parliament House, The Constable took his place immediately on the left hand of the King, the provost of Edinburgh sitting on his Majesty's right hand.

XXXIII. and XXXIV. These lists of the early Constables and Marischals of Scotland are printed from copies found at Slaines, which cannot be assigned to a more remote date than the beginning of the last century. It does not appear by whom they

(1) This was a departure, perhaps an unconscious one, from the order observed in the last preceding Royal *procession*, that of 1633, when The Constable bore *a sheathed sword*. It was only on the occasion of the *Riding of the Parliament* that he "caryed a whyte batton in token of command." See below, p. 226.

On two occasions during the visit of his Majesty King George IV., the Earl of Erroll bore the Sword of State before the King, not however, it was understood, in virtue of his hereditary office of Grand Constable.

were compiled, but their accuracy is greater, on the whole, than could have been anticipated from the knowledge of that period. It will be remembered that for half a century after their apparent date, a Constable of *Inverury*[1] continued to take place, as the sixth in the list of the Grand Constables of Scotland.[2]

It may perhaps, in conclusion, be permitted to our local pride to remark, that the great dignity of The Constable has been peculiarly linked with our parent county. For more than five hundred years it has been vested in the Lords of Slaines; and a century before they left their old inheritance of Erroll, to make their chief abode on our northern shores, the office had been borne in succession by two of our noblest and greatest houses, the Earls of Buchan, and the ancient Lords of Strathbogie.

II. BANDS OF MANRENT, FRIENDSHIP, AND ALLIANCE.

The bond of Manrent and Maintenance,—long so prominent a feature in the social state of Scotland,—would seem to have

(1) This office was hereditary in the parent stock of the Leslies at the close of the twelfth and the beginning of the thirteenth centuries: "For three generations the Constable of Inverury was the highest or only style of the many noble, knightly, and gentle houses which bear the name of Leslie." The Book of Bon-Accord, p. 375, *note*. Aberdeen, 1839.

It has been said that "inferior Constables, *who all depended on the High Constable*, were keepers of the King's castles, and sometimes had not only forts, *but boroughs*, subject to their jurisdiction, as Dundee, Montrose, Forfar." Erskine's Instit., b. i., lib. iii., § 37. It may be safely questioned whether, in the cases mentioned, or in the many others which could be adduced, the Constable of the *King's Castle* in the burgh, from which he was styled Constable, had any jurisdiction over *the burgh* itself. But there cannot be any doubt that these inferior Constables had no dependence whatever on the Great Constable of Scotland.

(2) See a list of The Constables of Scotland, appended to Scot of Scotstarvet's Staggering State of Scots Statesmen, pp. 189, 190. Edinb. 1754.

taken its origin in a desire to create a kind of feudal relation, like that of Lord and Vassal, between parties, who were not linked together like them by the tenure of land. The stronger party bound himself to defend the weaker, who in turn promised the benefit of his personal service. But, although this, perhaps, may be stated as the principle generally of such covenants, the different modifications of which it, like the feudal principle itself, was susceptible, and the various forms which it assumed, were almost without end.

It is a sad proof of the wretched government which prevailed in Scotland, that, for a long period, the law not only did not prohibit such contracts, but even enforced their provisions. It is true that one class of them, by which the fealty of the King's tenants within burgh was transferred from the Crown to some neighbouring lord, was early struck at. In 1457, a statute forbade, under highest penalties, the making of such "bandis or ligis;" and enacted that "na man duellande *within burghe* be fundyn in manrent nor ride nor rowt in feir of weir with na man bot with the King or his officiaris of the burghe that thai duell in."[1] This, however, affected only the inhabitants of burghs; and, in the same century, the Lords Auditors of causes in Parliament are found habitually interposing their authority to compel the fulfilment of the obligations in letters of manrent between subjects, dwelling "to landward," or in the country parts. In one case, in 1476, they decree payment of the fee stipulated.[2] In another (in the same year), where a party brings an action for "manrent and service," they allow proof on the other side, that he himself has broken the bond on his own

(1) Robertson's Parliamentary Records, p. 43.

(2) Acta Dominorum ad causas et querelas audiendas electorum in Parliamentis, p. 42. (*Unpublished*).

part, and is therefore in default.[1] In the following instance, in December, 1482, they gave decree for possession of lands provided by a bond of manrent:

"In the actioun and causs persewit be Johne the Bruse of the Stanehouss aganis Robert Lord Flemmyng and Andro Oliphant his bailyie for the vexatioun and inquietatioun of the saide Johne in the peaceable broiking of xij merkis worth of land of Dunbull gevin to the sade Johne be the saide Lord in liferent as was allegit be the sade Johne / and be the sade Lord for his seruice done and to be done / Baith the sadis partijs beand personaly present Becaus it was grantit be the saide Robert Lord Flemyng that he had gevin the sade landis in lifrent to the sade Johne for his seruice done and to be done / and grantit be the sade Johne that he aucht him seruice therfore The Lordis Auditoris decretis and delivieris that the sade Johne sal broik and joiss the sade landis efter the forme of the writtis and confessioun be the saide Lord made tharapon And als that the sade Johne sal mak the sade Lord seruice tharfore efter the forme of his band of manrent and seruice / And ordanis lettres to be gevin herapon in dew forme as efferis"[2]

Although they were at length proscribed, in 1556, (by a statute, which seems to have disquieted our great feudalist Craig, lest it should be thought to strike at the obligations of manrent and maintenance inherent in every proper feudal holding,)[3] more than a century passed before an end was altogether put to these pernicious contracts, some of which are preserved of a date subsequent to the Restoration. At one time so universal was their prevalence, that there can scarcely have been a man in Scotland, above the rank of the smallest landholder, who was not bound in one or

(1) Acta Dominorum ad causas et querelas audiendas electorum in Parliamentis, p. 56.

(2) *Id.*, p. 103.

(3) Jus Feudale. lib. ii., dieg. v., § 8. He could only conjecture that bonds of manrent might have been put down, "quod hae obligationes subditos a Principis obsequio divertant, aliorumque servitiis obnoxios faciant, materiamque et facies etiam seditionibus et tumultibus praebant. Certum, de separatis obligationibus, et non de iis Ordines sensisse, quae naturaliter omni feudo insunt," *etc.*

more of these covenants. Even a Queen-Dowager found it necessary to stoop to such an alliance.[1] At the era of the Reformation, almost every great ecclesiastical dignitary had sought protection and support for himself and his church in some league of this sort. The see of Glasgow had secured the service of the Duke of Chatelherault, the second person in the kingdom. The Earl of Huntly and his kinsmen were under bonds of manrent to the Bishop of Aberdeen. And the ruffian who headed the murderers of the Primate had, but a year before, sworn to be his "trew man and servand, be the fayth in his bodie."

The bonds of manrent printed in the text, forty-one in number, extend over a period of about a century and a half, from the year 1466 to the year 1612. By far the greater portion are covenants between the Earl of Erroll and his kinsmen and neighbours in Aberdeenshire. There are few of our old families but will find some of their ancestors, on one side or other, in a list which includes the noble Houses of Huntly and Rothes,—the families of MacIntosh of Rothiemurcus,—Irvine of Drum,—Keith of Ludquharn,—The Constable of Aberdeen,—Crawfurd of Fedderat,—Fraser of Philorth,—Forbes of Tolquhon,—Cheyne of Essilmont,—Bannerman of Waterton,—Vaus of Menie,—Udny of That Ilk,—Leask of That Ilk,—Chalmers of Balnacraig,—Meldrum of Fyvie,—Mowat of Buquholly,—Buchan of Auchmacoy,—Tullidaff of Rannieston,—and the Hays of Ardendraucht and Delgaty. Nor were the alliances of The Constable confined to the north; among them will be found several bonds from the barons whose lands bordered with the original domains of his family, in the Carse of

(1) Chalmers' Caledonia, vol. iii., p. 33.

Gowrie,—such as Hering of Glasclune,—Moncur of That Ilk,—Cochrane of Pitfour,—Rattray of Craighall,—and Campbell of Keithick. Of the bonds which fall under neither of these classes, it seems necessary to allude only to that of the Coadjutor of Saint Andrews (Number III.), and to that (Number XLI.) by which the Clan Donachie come under bond to Lord Erroll that they will be faithful to their Chief, the Laird of Strowan, "and mantein and help his houss and estait." Through an oversight, the bond, Number XXXVI., has been assigned to the year 1580, instead of the year 1508.

A few of the deeds have been printed at length, but it will be perceived that, in the greater portion, the clauses of obligation, except where they in anywise departed from the common form, have been omitted.(1)

III. LETTERS.

The first six of the few letters here printed have been chosen less for the intrinsic interest of their contents, than as affording favourable examples of the style of epistolary communications among our country gentlemen, in the beginning of the seventeenth century, a period of which not many compositions of that sort have been preserved to our time.

Numbers VII., VIII., IX., X., XI., and XIII., are such letters of news as, before the general use of printed newspapers, almost every family of consequence, living in the country, received from their agent, or other correspondent, in the capital, or

(1) One of the bonds (No. II.) has been printed from an old copy, the original not having been met with at Slaines. The copy has been adhered to in the reading in the second line of "be ridin man", though there can be little doubt that the expression in the original will be found to be "beeummin man."

nearest considerable town. One of them (Number XI.) possesses more interest. It describes the memorable assassination of the Lord President of the Court of Session by Chiesly of Dalry; and is addressed to The Constable (whose privileges were affected by the trial of the murderer) by one of his deputes.

Number XII. is from one of the expatriated descendants of the family of Con of Auchry, a house distinguished for its adherence to the communion of the church of Rome, and for giving birth to the learned George Con, the Pope's agent at the court of Henrietta the Queen of Charles I., and the author of a treatise "De Dvplici Statv Religionis apvd Scotos. Romae, 1628," and of several other works on the religious and political controversies of the period. The letter, which is dated from Paris in October, 1690, is written by the nephew of this zealous ecclesiastic, the grandson of "old Patrick Coune of Achray," whose services in the battle of Glenlivat are highly extolled by Dempster.(1)

A place has been given to Number XIV. from a wish to preserve a memorial, however slight, of the author of the yet inedited "Description of Aberdeenshire;"(2) and to Number XV. from a desire to direct attention to the notice which it furnishes of the Chartulary of Brechin. No trace of that record, it may be added, has been found at Slaines.

IV. CHARTERS AND MISCELLANEOUS PAPERS.

The Editor has already too far transgressed the fair bounds of a Prefatory Notice, to permit him to dwell on the selection here given from the earlier charters of the House of Erroll.

(1) Historia Ecclesiastica Gentis Scotorum, tom. i., p. 170.
(2) MS. Sloane No. 4215. Art. 8, in the British Museum

Such documents must always address themselves chiefly to the severer student of antiquities, and any preliminary observations upon them may therefore be the less unwillingly dispensed with, since, while such hints would probably be to him uncalled for, they would certainly fail in rendering popular a subject which, it has been remarked, "is one necessarily requiring a certain measure of preparatory learning."(1)

It may be sufficient to remark, that of the first twenty-five deeds, while none belongs to a later period than the reign of King Robert Bruce, no fewer than five are granted by King William the Lyon. Of the other royal charters, two are of Alexander II., and there is one of each of the Sovereigns, Alexander III., John Baliol, and Robert I. But the antiquary will perhaps turn with more interest to the charters granted by private subjects of inferior rank; since muniments of that class, of such antiquity as the present, are of rarer occurrence. In Number XII. will be seen an early example of a Vassal divesting himself of his feu, and restoring it to his Lord to remain vested in his person. The transaction described in Number XX. may furnish matter for speculation on the state of society which could render such a contract,—perhaps an approach to a bond of maurent,—desirable on either side. Number VII. supplies proof of the existence of *yhares* on the river Tay, in the middle of the thirteenth century; nor will the inquirer into ancient manners overlook its notice of the "heremitagium quod Gillecmichel quondam Heremita tenuit." The testing clauses of all the charters will commend themselves to the genealogist; and one class of them must be peculiarly ac-

(1) Liber Sancte Marie de Melros, tom. i., pref. p. vii. Edinb. 1837.

ceptable to those interested in the remote history of the families of Perthshire, and Fife.

Of the more recent deeds (embracing those between Numbers XXVI. and XXXIV.) it may be permitted to allude to the first (Number XXVI.), as well for the instructive narrative of the proceedings in a Justice Ayre which it contains, as for the style of "Dominus de ABTHANE," which is used by the Justiciar, Murdac Stewart, afterwards better known as Duke of Albany, and Regent of Scotland. The words apparently indicate that he was "Lord of the Abthany of Dull"; for the question of the fiery Pinkerton now only raises a smile,—"But who ever heard of an Abthane? And who knows not that Dull, a village, could not give a title which was in that age territorial?" (1) The "Abthania de Dull," it is needless to say, is familiar to our records,(2) though the Editor has not before met with a "Dominus de Abthane."

XXXV.—XLI. The papers included within these numbers refer to an incident in the domestic annals of the Earldom of Erroll, arising from the second marriage of Andrew the eighth Earl. Jealous lest the influence which the new Countess exercised over her husband should be turned to their own prejudice, and that of the children of his first nuptials, his brethren surprised the Place of Slaines by night, threw the Earl into the dungeon, and only set him at liberty after they had extorted his signature to such deeds as they pleased to present to him. The suspicions which led to this outrage, and the troubles which it brought upon the family, were only removed by the Earl's death, in 1585.

(1) Enquiry into the History of Scotland, vol. ii., p. 193. Edinb. 1814.

(2) Registrum Magni Sigilli, lib. i., no. 259., p. 74; Robertson's Index to the Charters, pp. 46, 53, 90. Edinb. 1798.

XLIV. When or by whom this copy was made "of the tabill quhilk ves at Cowper of al the Erles of Erroll quhilk ver buryd in the Abbey Kirk thair," does not appear. It is printed from a paper at Slaines, in the handwriting of the early part of the last century.

XLV. Papers by Father Innes.

The Club is indebted to James Dennistoun, Esquire of Dennistoun, for the communication of the first seven of these papers, which are printed from copies in his possession made by Andrew Lumsden, the private secretary of Prince Charles Edward, and favourably known in literature by a work on the Antiquities of Rome.(1) The documents which follow have been derived from the charter chest at Ballogie, to which the representatives of that family permitted the Editor to have ready access, through Henry Lumsden, Esquire of Tilquhilly.

Even imperfectly as the literary biography of Scotland has been cultivated, it may be allowed to express surprise that scarcely an attempt has been hitherto made at a memoir of one who has done so much for Scotish history and antiquities as the learned Thomas Innes. The publication, in 1729, of his "Critical Essay on the Ancient Inhabitants of the Northern Parts of Britain, or Scotland," forms an epoch in the historical literature of our country.

(1) "Remarks on the Antiquities of Rome and its Environs, being a Classical and Topographical Survey of the Ruins of that Celebrated City." Lond. 1797. Mr. Lumsden died at Edinburgh, on the twenty-sixth of December, 1801. An account of his family, drawn up by himself, will be found in Maidment's Analecta Scotica vol. ii., pp. 32—41. Edinb. 1837. He claims descent from the house of Cushnie.

Succeeding writers have done little more than expand the system which he developed in this remarkable work, of which the acute Atterbury ventured to predict, on its publication, that "all future antiquaries, when the present prejudices are allayed, will certainly embrace it."[1] Authors who agree in nothing else, have united to build on the foundations which Innes laid, and to extol his learning and accuracy, his candour and sagacity. "Every research which has yet been made," says Chalmers, "evinces that Innes was accurate in his authorities, founded in his facts, and right in his conclusions."[2] "The industrious and acute Innes," says Pinkerton, "ought never to be named by a Scotish antiquary but with superlative praise . . . . . his work forms a grand epoch in our antiquities; and was the first that led to rational criticism on them . . . . . his industry, coolness, judgement, and general accuracy, recommend him as the best antiquary that Scotland has yet produced."[3]

Apart from his services to the cause of letters generally, Innes, from the place of his birth, has peculiar claims on the notice of the Club; and there are few of its members, it is hoped, but will regret that the following outline of his life is so meagre and imperfect. It is printed from a copy in the possession of Mr. Dennistoun, in Mr. Andrew Lumsden's handwriting.

"ANECDOTES CONCERNING THOMAS INNES, M.A.

"Thomas Innes, author of the Critical Essay, was born about the year 1667, at Drumgask, in the parish of Aboyne, and county of Aberdeen. He was son of James Innes, commonly designed of Drumgask, and Jane Robertson, daughter

(1) See below, page 358.

(2) Chalmers' Caledonia, vol. i., p. 228.

(3) Enquiry into the History of Scotland, vol. i., p. 313; and Introd., pp. lxiii., lxiv.

of —— Robertson, merchant in Aberdeen. His father's designation was owing to his possessing the lands of Drumgask, as a wadset from the Aboyne family, which were redeemed by the present Earl of Aboyne. James Innes was a younger son of the family of Draynie, in Murray, descended from Robert, a third son of the Innes family. (*Vide* Douglas' Baronage, Innes of That Ilk, p. 15.) There is a genealogical tree of the family, done by Thomas Innes himself, in the possession of his grand-nephew, Lewis Innes of Balnacraig.

"By the Register of the Scotch College at Paris, it appears that he entered the house January twelfth, 1681, and received the *clerical tonsure* the 26th May, 1684.

"He was promoted to the Priesthood the tenth March, 1691; after which, he went to the Seminary of the Oratorians, near Paris, called 'Notre Dame des Vertues,' where he spent two or three months, and then returned to the College in the 1692. Then he employed himself in copying the Chartulary of the Church of Glasgow, and placing in order the different charters belonging to that church.

"In the 1694, he was received Master of Arts in the University; and, the year following, was matriculated in the German Nation. Same year, he went to the parish of Magny Littare, in the diocese of Paris, when, after having been employed in the ministry upwards of two years, he returned to the College in the end of 1697.

"In the spring of the following year, he went to the Scotch Mission, where he served in the parish of Innerawan, diocese of Murray.

"He returned in the 1702 to act in capacity of Prefect of Studies in the College, and as agent for the Scotch Mission at Paris.

"At this period he may be supposed to have begun to collect materials for his Critical Essay, and the Ecclesiastical History of Scotland, to which the first was only intended as an introduction. Thus far the College Register.

"He has been esteemed a Jansenist by some, though without any solid foundation. To state the import of this injurious accusation, for such he always considered it, and to satisfy the generality of readers as to the appellation of Jansenist, it is necessary to remark that, in the 1640, the testamentary executors of Jansenius, bishop of Ipres, in Flanders, gave to the world a work composed by this prelate, in which it was attempted to explain the doctrine of St. Augustine on *grace and free-will.* This work was prohibited by Pope Urban VIII., in 1642; and in the 1653, Innocent X. declared five propositions extracted from it to be heretical. This decision was submitted to by all parties, as to the here-

tical nature of the propositions; but it was maintained by several, that they were not to be found in Jansenius's book, or, at least, were not heretical when taken in their true meaning, as there explained.

"In the 1656, Alexander VII. pronounced the propositions to be extracted from Jansenius's publication, and in the sense of the author. He afterwards confirmed this decision, and prescribed a formula to be signed, implying the belief of the subscribers as to these two points: first, that the five propositions were heretical; and, second, that they were contained in Jansenius, in their obvious and natural meaning.

"This formula, in consequence of a law established by Louis XIV., was subscribed, and continues to be subscribed, by all who enter into orders, or enjoy any church living, in France. Mr. Thomas Innes having taken orders in that country, signed, of course, the formula; and his name is still to be seen in the register of such signatures, kept in the Cathedral Church at Paris. He cannot, therefore, be deemed a Jansenist, having submitted to the decisions enacted against Jansenius by the church of which he was a member.

"In the 1713, Quesnel's Moral Reflections on the New Testament were condemned by Clement XI., as renewing the errors of Jansenius. Those who stood out against this papal sentence entered an appeal to a General Council. Mr. Thomas Innes was repeatedly solicited to join with them in this appeal, but in vain, as appears from the positive assertion of his brother, the Reverend Mr. Lewis Innes, a man of undoubted veracity, in his letter to Abbè Galland, Vicar-General of the Bishop of Apt, dated from Paris, third January, 1720. The appellation of Jansenist consequently cannot, with any truth, be applied to Mr. Thomas Innes, and this aspersion must have arisen from passion or prejudice. We have been at pains to wipe it off, because it hurt his feelings when alive; and that, even now, so long after his death, which happened in the 1744, it still subsists in the minds of some. Although this may appear a matter of no great consequence to most readers, yet, as it gave the good old gentleman much pain, it is proper to vindicate his memory in a point which he considered of importance.

"These anecdotes were communicated by the Reverend Mr. Alexander Innes, great grand-nephew of Mr. Thomas Innes, from Paris, the fourth December, 1789."

The pedigree referred to in this memoir, has not been found at Ballogie, where (the documents in the text excepted) the only

memorial of Father Innes is the following brief sketch of his life, in quite a modern hand:

"NOTICE REGARDING THOMAS INNES.

"Thomas Innes, brother of Lewis Innes, Principal of the Scotch College at Paris, came to Paris at the age of fifteen, to pursue his studies at the College of Navarre: He also embraced the ecclesiastical profession. When he had been ordained priest, he returned to his own country to labour as a missionary there. Three years after this he was recalled by his brother, who appointed him his successor as Principal of the Scotch College. He fulfilled this charge with much care, and was united in friendship chiefly with the Abbot Duguet and Rollin at Port Royal. He requested hymns of Santeul in honour of the saints founders of the church in England. In 1726, he undertook to refute an unfaithful history of the church in England, given by a protestant. Having been denounced as a Jansenist at Rome and Paris by a young Scotchman (a scholar of his own, who was angry at being excluded from the episcopacy), he was obliged to leave the College: He, however, got back to it some years after, under the protection of James II. King of England. Thomas Innes died at the Scotch College in 1744, in the eighty-second year of his age."

The industrious Wodrow, in the following passage of his Analecta, supplies a few notices of our antiquary during his sojourn in Edinburgh in the winter of 1724:

"There is one Father Innes, a priest, brother to Father Innes of the Scottish College at Paris, who has been in Edinburgh all this winter, and mostly in the Advocates' Library, in the hours when open, looking books and manuscripts. He is not engaged in politics, as far as can be guessed; and is a monkish, bookish person, who meddles with nothing but literature. I saw him at Edinburgh. He is upon a design to write an account of the first settlement of Christianity in Scotland, as Mr. Ruddiman informs me, and pretends to show that Scotland was Christianized at first from Rome; and thinks to answer our ordinary arguments against this from the difference between the keeping of Easter from the custom of Rome; and pretends to prove that there were many variations as to the day of Easter even at Rome, and that the usages in Scotland, pretended to be from the Greek church, are very agreeable to the Romish customs that he thinks were used by the Popes, about the time that [he] gives account of our differences as to Easter.

"This Father Innes in a conversation with my informer . . . . . made an observation which I fear is too true. In conversation with the company, who were all Protestants, he said he did not know what to make of those who had departed from the Catholic church; that as far as he could observe generally, they were leaving the foundations of Christianity, and scarce deserved the name of Christians. He heard that there were departures and great looseness in Holland; that, as he came through England, he found most of the Bishops there gone off from their Articles, and gone into Doctor Clark's scheme; that the dissenters were many of them falling much in with the same method, and coming near them; that he was glad to find his countrymen in Scotland not tainted in the great doctrine of the Trinity, and sound."

I. This letter, addressed by Innes to the Chevalier de St. George, avows the real object at which he aimed in the publication of his celebrated Essay; and no one who has read that work but will confess that he has skilfully executed his design, whatever may be thought of the soundness of his peculiar doctrines, or of the somewhat questionable means which he took for advancing their success. On this score, perhaps, his best defence will be that there was but too much truth in his statement, that he could not "openly or barefacedly acquaint the public" with the great motive of his undertaking, "without awakening the governing powers, and manifestly hazarding the printer, the copies, and the author, to be seized upon."

II. These passages appear to have been selected from letters written by Dr. Atterbury, the deprived bishop of Rochester, in order probably to be laid before the Chevalier de St. George, for the purpose of obviating some attempts that seem to have been made, in the first place, to strip Innes of the credit of being the author of the Critical Essay, and secondly, to depreciate the value of the work itself.

III. This dissertatiou, in which the peculiar opinions advocated in the "Critical Essay" are applied to a later period of our history, seems to be addressed in the shape of a letter to some correspondent whose name does not appear. We know Innes to have been in habits of communication with more than one of the few cultivators of Scotish antiquities in his time. The anonymous author of "A View of the Diocese of Aberdeen," a manuscript in the Advocates' Library, frequently quotes "Mr. T. Innes' Letter to Mr. Ker." John Ker was Professor of Greek in the King's College from 1717 to 1734, when he was called to the chair of Humanity in the University of Edinburgh. He died in November, 1741. He has left some works of local interest; and it appears that he contemplated the publication of an "Athenae Abredonenses" and an "Archaeologia Abredonensis."

IV. In this short essay, which also assumes the form of a letter, Innes throws light, which will probably be new to most readers, on a point of some moment in our ancient ecclesiastical history,—the early introduction and general prevalence among us of the Salisbury Liturgy. The error which Innes exposes, it is needless to add, invented by Blind Harry and copied by Hector Boece, has been repeated by almost all succeeding writers: the latest editor of the industrious Calderwood, though he traces in the passage the origin of a common adage, fails to point out the inaccuracy of his author's statement.[1]

V. This is the letter from the University of Glasgow to the Scots College at Paris, which led the way to the long and interesting letters which follow (Numbers VI. and VII.), in which Innes

(1) Calderwood's History of the Kirk of Scotland, vol. i., pp. 14, 15. Edinb. Printed for the Wodrow Society. 1842.

conveys much valuable information as to the ancient records of the church of Glasgow.

VIII.—XIII. These papers refer to Mr. Lewis Innes, the elder brother of our antiquary, and his predecessor in the rule of the Scots College at Paris. The first is a letter from his father, James Innes of Drumgask; the others shew the appointments which he held at the court of the exiled Queen of James VII., and that of her son the Chevalier de St. George. Beyond these, nothing is known of the history of Lewis Innes, except what is to be gathered from the anecdotes of his brother, given in a previous page; and that he is said to have been appointed by the exiled Court its "Secretary of State for the affairs of Scotland." In the succeeding letter (Number XIV.), the unfortunate prince whom he had served, acknowledges, on the tidings of his death, the fidelity, the ability, and the zeal which he displayed in the matters entrusted to his care.

Numbers XV. and XVI. are letters from Prince Charles Edward, in his own strange school-boy hand, a *fac-simile* of which will be found in one of the plates of autographs. If sympathy with misfortune, or the reverence due to fallen greatness, should sadden our smile at the fond assumption of Kingly style in the signature of "Charles. R.", it may be allowed freer play at the awkward pains of his illegitimate daughter to supply the fault of a secretary, who, in the letter which follows (XVII.), forgot that her father was "le Roi"!

XIV. Order of Combats for Life in Scotland.

This short treatise, on the laws regulating the Ordeal of Combat in Scotland, is printed from a manuscript in the archives of the

House of Erroll, to which, as vested in the office of Great Constable, it belonged to preside on such occasions.

Of the author of the tract, or of the time when it was written, nothing is known to the Editor beyond what its title sets forth. It is unnecessary for him to remark that, in its present shape at least, it is much more recent than the time of "James I. King of Scots." Two copies of it were found at Slaines, but the most ancient, from which the text is printed, cannot be ascribed to an earlier period than the beginning of the last century. Still so little is really known of Heraldic usages in Scotland, that, perhaps, such a contribution as this may not be unacceptable, even with the dubious character which must remain attached to it.

XV. Memoir of John Second Earl of Perth.

This pleasing sketch of his own life, by an amiable and accomplished nobleman, is printed from a copy in the library at Slaines, in the handwriting of Dr. James Drummond, Bishop of Brechin, who, on being ejected from his see at the Revolution, took up his residence with the family of Erroll, and died in their house in the year 1695. In the same volume are several tributes, both in prose and verse, to the memory of the Earl, who has been praised by his kinsman, the Viscount of Strathallan,[1] for that love of letters, of which traces will be found in this memoir. He died on the eleventh of June, 1662.

(1) Malcolm's Genealogical Memoir of the House of Drummond, p. 128. Edinb. 1808.

XVI. Bull to the Monastery of Pluskardyn.

The Monastery of Pluskardyn, of which the ruins are yet venerable, was founded in the year 1230, and eventually acquired great wealth. Even at the date of this document, that is, thirty years after its foundation, its possessions were very considerable. One part of the revenue of the monks, it will be observed, was derived from "the tithe of *iron* dug in the forests of Pluskardyn and Wthutyr." This is by no means a solitary instance of the early attention which was paid to mining. The *lead* ores of Lanarkshire seem to have been turned to account before the year 1239; and King David I. grants to the monks of Dunfermline the tithe of all the *gold* that shall accrue to him within the bounds of Fife and Forthrik.

For a transcript of this bull the Editor is indebted to Cosmo Innes, Esquire, Sheriff of Murray, to whom also the Club is under obligations for the communication of the third, fourth, fifth, sixth, and ninth articles in this volume.

In the two plates of autographs which are subjoined, the signatures are given of one or two persons not expressly referred to in the text, but whose relation to the north-eastern counties seems sufficient to warrant the place assigned to them.(1) The artist, by

(1) The signatures in the *first* plate are the following:

"Beaufort the 17t of Apryle 1745 Your most affectionat cousin and most fathfull slave Lovat" p. 27.

"Malcolm Fforbes of Tolloquhone" 1489. p. 259.

"John Cheyn of Essilmont" 1504

following rather too literally his instructions to introduce as many subscriptions as possible, has given a somewhat crowded and confused appearance to his engravings. In a third plate, a *facsimile* is given of an interesting letter, which has already been referred to, from King James V. to his secretary, Sir Thomas Erskine of Brechin.(2)

It only remains for the Editor to express his acknowledgements of the valuable assistance which he has received from Joseph Robertson, Esquire, on whom, when about one half of the volume

" Alex^r Banerman of Watartone " 1504
" And^o Tuledeff of That Ilk " 1504
" Wylyam Master of Eroll " 1504
" Gilbert Hay of Ardendracht " 1504
" Alex^r Uasse vicarius de Kynauchmond " 1504
" Allex^r Fraser " of Philorth 1489. p. 258.
" James R " 1525. p. 178.
" Margaret R " 1525. p. 178.
" R Keytht of Deir " 1578
" Allexander Waws " 1554. p. 276.
" Ranald Oudne of That Ilk " 1511. p. 266.
" Henry Lord Synclar " 1578
" Erl of Craufurd " 1503
" Alex^r Irvyn of Lvnmey " 1483. p. 254.
" George Lord Gordon " 1466. p. 251.
" Alexander Chamer of Balnacrag " 1543
The seal of Wilyeame Kynidy Constabil of Abirdene 1487. p. 256.
" Erroll " 1578.
" Erl of Arran " 1525. p. 178.
" James M Synclar " 1578.
" Frances Erll off Erroll " 1589. p. 279.
" Jhon Waus off Many " 1554. p. 276.
" George Erlle of Huntlye " 1589. p. 279.
" Wm Forbes of Tolquhon " 1578.

The autographs exhibited in the *second* plate are these :

Letter from Prince Charles Edward, 1777. p. 379.
" Jhone Leslie off Ballquhane " 1578
" Alex^r Forbes of Petslego " 1578
" Georg Meldrum of Fywe knycht " 1544. p. 272.
" Maister James Skeyn of Westir Cors " 1578
" C Thomas Ker " 1589. p. 279.
" Wyliam Lesk of That Ilk " 1578
" Jhone Mastir off Forbes " 1578
" Patrik Mowat of Bocholle " 1544. p. 273.
" I Archbald Dougles of Glenbervy grantis me hef in wed of Master Thomas Erskin of the Haltoun ane chenye of gold . . . . Archbald Dougles off Glenberwy " 1528. p. 177.

(2) Page 193.

was printed, his own avocations somewhat unexpectedly compelled him to devolve the completion of the undertaking. To this arrangement the Club owe the very accurate and scholar-like manner in which the charters and other ancient muniments in the latter part of the work are exhibited.

He has been greatly indebted also in the preparation of these Prefatory Remarks to Mr. Robertson's varied acquirements, and extensive knowledge of the history and antiquities of our northern shires.

JOHN STUART.

CROWN STREET, *3d December*. 1842.

Beaufort
yr 14 of
aprile
1445

your most affectionat cousin
& most faithful slave
Louis

Malcom Flozters
of Rosehaugh

Allex Stewart of Invernay of
Mamore appt Co[illegible]

Jhon Grant of Gilmorr
chief of Clan Grant

Jhon Erle of Hontlie
chancellor of Scotlandd

Jhon Erle of Ross
lord of the Ile

Alexander Stewart of Balnacraig
mam appt

Colin Campbell of Argyll
Knycht & master of Argyll

Alex. Stewart Lordsmt de Keyhanghtmond
Alexander Fraser mam appt

Archibald Douglas
erle of Angus

James III Kynglar
Knycht of Orkney

Patrick erle of Orrol
Sellingandtz Warrd

Donald of Clanranald
Knycht of mam
yr Ile

Henry Lord Sinclair

George Erle of Huntlyie
Wm fried of Lesmor

77.
2y

Florence y.e 18.th July, 1777. M.r Innes,

I received in due time y.r of y.e 9.th June, and do not in y.e least doubt of y.r following y.e footsteps of y.r Ancestors, no here subject, I have already, the Late King my Father has a particular regard for. It gives me a real pleasure to here bout your new Principal, Is so well qualified to Remplace the most worthy deceased M.r Gordon, whose death gave me Concern, as it was a great Loss to our Scotch College at Paris; my good wishes being always for their welfare, assuring both you, and them, of my Protection; I do remain y.r Sincere Friend, Charles. R.

For M.r Henry Innes Procurator of y.e Scotch College of Paris.

Johne Master off forbes

Johne Master off forbes

Archibald douglas

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I.

FROM SIMON LORD LOVAT.

My Dear [ ],

I was truly more concernd than I can express in parting with you. It was the effect of natural affection, and I canot help it. I pray God may preserve you in health and strenth, till we see better tymes, which, I hope in God, will soon happen, otherwayes I most be overwhelmd, for my persecution begins to be very smart, by the villanous lyes and calumnys of that ungratful knight of the post, Castle Ladders. My Lord Ilay is gone into measures, as that villain asserts, to ruin my person and ffamily, and to make a slavish commonwealth of my kindred. This is pushing violence to the last point. I see plainly the design is to put me in prison upon the first accompt of an invasion, and then to make a battallion of my name for the government commanded by the two idiots, Struy and Foyers, and exclude the Lord Lovat, and all the heirs male of his family. If this be a good reward for my attachment to the family of Argyle, and to my Lord Ilay in particular, you may judge. However, I have nothing ado at present but to keep quiet, and let you see their folly in the end, for I do assure you that those very unatural gentilmen canot get twenty to follow them against me. If sickness or infirmity did so much afflict me that I could not lead my kindred, I am very sure that all of them would follow you as they would do me, for the good of their country; so, my dear [ ], this hellish contrivance stricks at me, and at you, and at all the Frasers who love our family. I hope you will have a just ressentment of it, and impress my son with it when he

comes to age. I offer you [ ] and his bearns my affectionat respect. I beg you may not drink too much at Inverness. Your too good nature and comaradship gives me great pain. My cusin, William [ ] will tell you all this story; and you will have Dulcraig and Boyerfield with you this night, who will further inform you. I beg to have a letter from you before you leave your sisters house. And believe that I am, more than any man on earth, with unalterable love and respect,

My Dear [ ],

Your most affectionate cusin,

most obedient and most

faithfull humble servant,

Beaufort, the 21st of March, 1740. LOVAT.

II.

FROM SIMON LORD LOVAT.

My Dear [ ],

I hope and wish that this may find you, and the good lady [ ], and all your lovly family, particularly your eldest son, in perfect health; and I sincerely assure you, and the good lady [ ], and all your lovly children, of my most affectionate humble duty and kindest respects. Having received before I came from home very pressing letters from your cousin and mine, my Lord Grange, and from Mr. M'Farlane my doer, to come south immediatly, and sign the entail of my estate, which my Lord Grange has laboured these three years past; and he says himself now, that he believes it is one of the best entails in Scotland; as long as there is a shilling remaining of the estate, it must go to the heir male. My Lord Grange having writt to me that this was the most essentiall action of my life for the preservation of my family, I could not stand his call, so I took journey from my own house to come up here, the 30th of Jully, with both my daughters; but if I was as much an observer of freits as I used to be, I would not have taken journey. For two days before I came away, one of my coach mares, as she was steping in to the park, dropd down dead as if she had been shot with a cannon ball.

The next day, when I went to bid farewell to Dunballochs family, and Achnagairns, one of the hind wheels of my chariot broke in pieces. That kept me two days to get new wheels; and a greater misfortune than either of them happened to me at the sametime. My chamberlain, John Fraser, that I sent to Aplecross about the purchase of the lands of Tarradale and Ridowne, coming back from that part, broke his leg on the plain road, which is a vast loss to me to this hour, for he is not yet able to go abroad, though the whole affairs of my countrey be entrusted to him. I came off on Wednesday the thirtieth of Jully from my own house, dind at your sisters, and did not halt at Inverness, but came all night to Corribrough, with Evan Baillie and Duncan Fraser, and my chariot did very well. I brought my wheel-wright with me the length of Avimore, in case of accidents, and there I parted with him, because he declard that my chariot woud go safe enough to London; but I was not eight miles from the place, when on the plain road, the axletree of the hind wheels broke in two, so that my girles were forced to go on bare horses behind footmen, and I was oblidged to ryde myself, though I was very tender, and the day very cold. I came with that equipage to Ruthven late at night, and my chariot was pulld there by force of men, where I got an English wheel-wright, and a smith, who wrought two days mending my chariot; and after paying very dear for their work, and for my quarters two nights, I was not gone four miles from Ruthvin, when it broke again, so that I was in a miserable condition till I came to Dalnakeardach, where my honest landlord, Charles M'Glassian, told me that the Duke of Athole had two as good workmen at Blaire as were in the kingdom, and that I would get my chariot as well mended there as at London. Accordingly I went there, and stayd a night, and got my chariot very well mended by a good wright and good smith. I thought then I was pretty secure till I came to this place. I was storm stayd two days at Castle Drummond, by the most tempestuous weather of wind and rain that I ever remember to see. The Dutches of Perth and Lady Mary Drummond were excessively kind and civil to my daughters, and to me, and sent their chamberlaine to conduct me to Dunblaine, who happened to be very usefull to us that day; for I was not three miles gone from Castle Drummond, when the axletree of my fore wheels broke in two, in the midst of the hill, betwixt Drummond and the Bridge of Erdoch, and we were forcd to sit in the hill with a boisterous day till chamberlain Drummond was so kind as to go down to the Strath and bring wrights, and carts, and smiths, to our assist-

ance, who dragged us to the plain, where we were forcd to stay five or six hours till there was a new axletree made, so that it was dark night before we came to Dunblaine, which is but eight miles from Castle Drummond, and we were all much fatigud. The next day we came to Lithgow, and the day after that we arrived here, so that we were twelve days on our journey by our misfortunes, which was seven days more than ordinary; and I bless God we were all in pretty good health, and I found my son in good health and much improvn. I went the next day to wait on my worthy friend, Generall Guest, who was mighty kind, and offerd me his chariot to go and wait on the Duke of Argyle to his countrey house as oft as I pleased. I accepted of his compliment, and went and waited on the Duke at his countrey house, which is two miles from Leith. He received me very graciously, and embraced me after his ordinary manner. I was very merry with him about my breaking, *etc.*, and I made him laugh most heartily. There is one Doctor Charles Stewart with him, who travelld with the Duke of Shandouis children, he has been my friend for many years. The Duke out of joke woud fain have put us by the ears, because he said we were both Jacubites, and that he woud learn something by our quarrel. I told him that the Doctor and I knew one another too well to be bit that way. He told me, laughing very heartily, that was confession enough. I told the Duke that the Doctor was the happiest man in the world; that he allways was a Jacubite, that he is a Jacubite, and that he allways will be a Jacubite while he lives; and yet that he is a favourite with all the great men of the Court, and of the Government, and if a lying scunderall said that my Lord Lovat was a Jacubite, he was persecuted for it without any more enquiry. This made the Duke and the Doctor laugh heartily. The Duke told all the next day to my Lord Glenurchy, who told it to my Lord Ilay. When I waited on my Lord Ilay in a day or two thereafter, he embraced me very kindly, and severall jokes pass'd about Doctor Stewart. The Earle said at last, Lovat, they tell me that you had the better of the Doctor, how did you attack him? By this question I thought my Lord laid himself very open, considering the countenance he gave to the villainous informers against me. So I answerd him, that all that I said to the Doctor was, that the Doctor was a very lucky man, and that every man that knew him, was perswaded that he allways was a Jacubite, and that he is a Jacubite, and that he will remain a Jacubite while he lives, and yet that he is a favourite with all the great men in Court and in the Government, and

that if a lying, pitifull scunderall say that my Lord Lovat is a Jacubite, he is pserecuted for it. The Earle blushd much and lookd down; I suppose that Castleelders came in his mind. I was severall days there, and saw him take in a great many people to his closet, one after another, but he never calld me, so when the levy began to grow thin, I went off without saying anything. At last, about a fortnight agoe, he took me by the sleave, and bid me go and speak to him in his closet; so when I went in he bid me sit down, and he sat closs by me, and, indeed, our conversation lasted an hour and an half; so that before I came out, all his levy went off, except one or two. The whole discourse consisted of two branches. The first was a vindication of himself, that he had no hand in breaking of me; that it was Generall Wade that did it. Then he told me that severall Englishmen did solicite for Sir Robert Munro to be Lieutenant-Collonell to Crawfords regiment. I told his Lordship, that it was needless to make any apology to me for that, because I woud not be Lieutenant-Collonell to any regiment that the King had. Then I went over a vast many faithfull services that I had done his Lordship, when he trusted me more than he did any Scotsman, and that I was as faithfull to him as his own heart, when many of his favourites, and those that owd him signall obligations, betrayd and deserted him, Meeldletowns, Campbells, *etc.* That he coud not say but I allways continued the same faithfull servant to his brother and to him, without alteration, from the first hour to this, and never swerv'd to the right or to the left from their interest. His Lordship was so good as to own that all that I said was true. I then told him that, after what I had said, his Lordship coud not imagine that I woud believe that ever he coud be capable of doing me hurt in any shape. He then came to the second branch of his discourse, which was, to accuse me of being a Jacubite, which he did in the strongest terms for a very long time. He said that my house was a Jacubite house; that the discourse of those in my house was Jacubitism, and that I convers'd with no body but with Jacubites. He ownd to me that the villain Castleelders told him the strongest things upon this subject; I answered his Lordship, that Castleelders was such a known lyar and rogue in the countrey, that no honest man would drink with him. His Lordship told me that the Jacubites themselves said openly that I was a Jacubite; I answered him, that the Jacubites had reason to call every man a Jacubite, that they might endeavour to draw him to their party. He then told me that the first Minister had intelligence from abroad of my correspondence with the Pretender; I answered his Lordship, with a little

warmth, that those stories were but damnd calumnies and lyes, and that I did not for many years write a letter to any person beyond sea, which, indeed, is true; and I told him plainly, that Sir Robert Walpole had greater reason to be a Jacubite than I had, and my reasons were good for saying so; that I bless God I have the best estate in the shire of Inverness, where I and my kindred live, and that estate is as dear to me as Sir Robert Walpoles immense riches are to him; and that, besides my estate, I had the honour to have the noblemen and best gentlemen in that part of the north of Scotland my pretty near relations; and I had, what I esteemd more than that, the love of all my neighbours, and of all the countrey, which I believe was not the case with Sir Robert. My Lord seemd to give good attention to what I said, and was so kind, at last, as to tell that, even if I was a Jacubite, he woud do what he coud for me; I thankd his Lordship, and, after a little more discourse upon that subject, I came away. His Lordship did not say one word of politicks to me, nor I to him, and I had no audience of him since. I have been severall times with the Duke of Argyle before I fell indisposd, and I own that his charming way with his friends and acquaintances, and indeed with all mankind, gains the hearts of all those who see him; and I own frankly to you, for my own part, that I woud rather serve that worthy great man without fee or reward than others with fee and reward. He certainly is one of the finest gentlemen now in the world. He has a vast friendship for Sir Arthur Forbes, and he desird me to write to any friends that I had in that shire(1) to do what service they coud to Sir Arthur. I spoke to my cousin, my Lord Strichen, but as he lys under great obligations to my Lord Ilay, he must necessarly give him his vote; but, as I was arguing with him upon the head, he promis'd faithfully that he woud not solicite one single man against Sir Arthur. And now, my dear [ ], since you are the only man in Aberdeens shire that I can most depend upon, and that your brother, [ ], is not in the play, I earnestly intreat that youle not only give your vote for Sir Arthur, but that youle go about and solicite for him, and ryde for him, among your ffriends; I promis'd to the Duke of Argyle that you woud do this upon my account, and I am very certain that you will not make me forfeit my promise.

I must now tell you, my dear [ ], the mellancholly part of my

(1) [Aberdeenshire—which Sir Arthur Forbes of Craigievar represented in three Parliaments, 1727—1747.]

history since I came to Edinburgh. Five or six days after I came here, I contracted a great pain and weakness in my knees and limbs, which I believd was occasiond by my sitting for eight or nine months in my armd chair at home, without going abroad to take exercise. Doctor Clerk advis'd me to make use of the cold bath for my knees and legs, which I continued to do for a fortnight. But that was not the only ailment I had since I came here; for having gone, on Sunday the seventh of this month, without a big coat, to the old kirk (which is one of the coldest kirks in Edinburgh) to hear Mr. Patrick Cummings sermon, I catchd such a violent [cold] that has almost already cost me my life; for Munday and Tuesday thereafter I had such a violent cough, without a minutes intermission, that rent my head and bowels to pieces; and I am perswaded no man ever had such a violent cough, without half a minutes intermission, as I had on Munday, from morning till eight o'clock at night; and if it had continued all that night, I am perswaded I had dyed of it. But Doctor Clerk gave me some drugg that stopt the violence of it, and I got some sleep all night, and had but four or five fits of the cough. It is exactly like the chincough that children have, but it comes with such violence that it rents my head and bodie to pieces. However, I hope the worst is over. The Doctor thinks there is no danger in it, but that it will be troublesome for sometime, I have taken rheubarb and my ordinary vomits severall times for it, and, I bless God, my cough is not so frequent as it was.

My son went, Thursday last was se'nnight, to convey his aunt, the Lady Scatwell, to Leith, and he catched so much cold that he contracted the measles, and conceald it for four days; but, I bless God, he is now recovered; and my daughters are in very good health.

I shall let you know from time to time what passes here, but your damnd Aberdeen post is so very uncertain, that there cannot be an exact correspondence keept with any man in your countrey, except with the merchants that live in Aberdeen. I shall long much to have the honour and pleasure to hear from you, and I am, more than I can express, with unalterable attachment and respect,

My dear [ ],

Your most affectionate Cousin,

most obedient and most faithfull

humble servant,

LOVAT.

Edinburgh, 11th of September, 1740.

III.

FROM SIMON LORD LOVAT.

My Dear Cousin,

I had the honour and great pleasure of your letter of the 9th of December. I am much vexd that I cannot find out a safe way to write to you my mind freely once in the week or fortnight, for I have many things to say to you that is not proper or convenient to trust to the common post, and I am allways searching out to find the method of sending my letters safe to you. I send this under cover to one Hugh Fraser, writer in Aberdeen, who is son to William Fraser that was once my servant in France, and was since Sir Peter Frasers servant, and lives these many years in the lands of Drum. This writter in Aberdeen has his uncle living in Stratherrick, my tacksman, one Alexander Fraser of Leodclune, as pretty a sagacious a gentleman for a Deulinach as is of his name. I have his eldest son serving me, who assures me that his cousin will send this letter safe to you, as I doubt not but he will. He serves Mr. Catenach, an advocate in Aberdeen, and when you write to me next, I beg you inform me of the properest way to write to you in safety. I am exceeding glad, my dear cousin, that you and your worthy lady, and my dear cousins your lovly children, are in good health. Long may you all continue so, and I sincerely wish with all my heart and soul that you and they may live many a happy new year in perfect health and in all manner of prosperity, for you'le easily believe that, next to my own person and children, your person, and your ladys, and your children, are the dearest to me of any in the world; for I sincerely love, esteem, and regard you, as if you was my born brother; and when I had no children of my own, I wrought with as much pleasure, zeall, and affection to gain the estate of Lovat for you and yours, as if you had been my own son. All the north of Scotland that know me knows this to be true; and I do sincerely declare that I love you and your children as I do my own.

I wish with all my heart I had made you, and Strichen, and Faralane, barrons two years agoe; I would not be so much troubled as I am now about the ellection of Inverness. It was the fault of my damnd lawiers that it was not done. However, I am resolved that the Lord Lovat shall

be allways master of the shire of Inverness in time to come. I have signed, a fortnight agoe, a disposition to Strichen, to you, and to Farlane, to be barrons of the shire, and your charters will be expede in February. I make you a barron in your beloved country of Stratherrick. I give you the lands that I bought from Strichen, with the pretty place of Erchite, so that you will be calld barron of Erchit. It is about £500 Scots a year, valued rent. I give Strichen the barrony of Lentran, which is a forty shilling land of old extent; and I give Faralane lands of above £400 Scots a year, in the braes of the Aird and Strathglass. I am very angry at you, my dear [ ], for as much as thinking that I wond allow you to be at any expense in making you a barron of a part of my estate. I do not allow my Lord Strichen or Faralane to be at a farthings expence, and to imagine that I wond allow you, who is the true heir of my estate and honours, after my own children, is truly insulting of me, which I thought [ ] would never think of. If the debts of my family were paid, you and your family would find, in a more effectuall way, how much I love you, and resolve to support you. The expence of making the three barrons comes to about a hunder and twenty pound, and when I pay forty pound to my Lord Strichen, and forty pound for Faralane, it wond be very pretty that I should suffer [ ] to pay forty pound for his charter, whom I truly love as much as I do my eldest son.

I shall cause William Fraser, my doer, give the papers to William Fraser, Belnains son, your doer, that is necessary for you to sign, so I salute you [ ], barron of Erchite, which is absolutely the prettiest place in Stratherrick; and I wish you and yours may enjoy it as long as there is a stone or tree in Stratherrick. I hope at the next ellection to see you chosen member of Parliament, if M'Leod carry this, for I am very certain he would yield it to any of my relations, for he is a most excellent gentleman, full of honour and honesty, and one of the most affectionate relations in the world.

I must now resume some things of what I said to you of my politicks, and if I repeat any thing that I said before, I hope, [ ], you will excuse me. I must now tell you that when I came here I was not determind to dispose absolutly of myself for some time; but when I found the Duke of Argyle at the head of the greatest familys, the richest familys, and the most powerful familys in the kingdom, openly proclaiming and owning in the face of the sun, that he and they were resolved in any event to

stand for and endeavour to recover the liberty of their country, which is enslaved by the tirrany and oppression of a wicked minister, I own my heart and inclination warmed very much to that side; and, on the other hand, when I found that the minister for the Court, the Earle of Ilay, said nothing to me that regarded my person or family, but that the first minister accusd me of being a Jacubite, and that James Fraser of Castleelders, that infamous lyar and informer, had told to himself the strongest things of me upon that subject, which I answerd very cavalirly, both as to the first minister and as to his lordship, and when I found that he askd nothing of me nor promised me any equivalent for my company, or any other particular favour, I then plainly concluded that he left me to myself to do what I thought fit. I then began to think more seriously than ever on the situation of my person and family. I found that I was to expect nothing from this administration; and, on the other hand, though I allways lov'd the countrey interest, and especially since the Duke of Argyle declard to stand by that interest, yet I had great difficultys in my mind how to resolve myself as to my joining them; for the leading men of them, who are the greatest men in the kingdom, as the Duke of Hamilton, the Duke of Montrose, the Duke of Buccleugh, the Duke of Queensberry, the Duke of Roxbrugh, the Marquis of Tweddale, the Marquis of Annandale, the Earle of Aberdeen, the Earle of Marchmont, and many others of that party, were my declard enemies, some of them for my quarrell with the family of Athole, others for my attachment to the Duke of Argyle and the Earle of Ilay against the squadrony, so that I was afraid that my person and services would not be acceptable to them. But I concluded if I coud gain their hearts and friendship by joining of them, and that they would not only be sincerly reconciled to myself, but attachd to my family as I would be to theirs, I would make the best campaign in my life, because it woud make my family a leading family with those great men on all occasions whatsomever for the future. Before I did execute this thought, I had some fears of the resentment of the tyranick ministry, but then I reflected that I had nothing to fear, since the laws woud protect me; and that most of the great men that I was going to join were Whigs and revolutioners. So after many serious thoughts and mature deliberations, I resolvd to join myself to that great and noble body of the nobility of Scotland, providing I was assured that they would receive me as a faithfull brother and friend. I had a most excellent occasion to try them. My cousin and faithfull friend, Mr. Erskine of Grange, who is a vast trustee

and support to that party, was in town. I sent for him, and as I coud speak to him without reserve, I told him my thoughts and resolutions, and as he certainly loves my person and family, I was sure he woud tell me his mind freely, which he did. He declared thoroughly to me, that without any regard to party or administration, he believd in his conscience that my resolution was the most wise, the most prudent, and the most effectuall that ever I took to raise my family, and to make it hereafter one of the leading familys of the kingdom. He told me that he was sure those great men woud receive me with open arms, but that he woud go to them all, and make me a faithfull report of what they woud say. He first spoke to the Earle of Stairs, who allways had a friendship for me. He told my Lord Grange that my joining them was adding great strength to their party, because they had none like me in that part of the north where I livd. He then spoke to the Duke of Muntrose, who was overjoyed at the message, and said he woud come and see me, but I was not in condition to see any person, being much indisposed. He then spoke to Duke Hamiltoun, who hardly first coud believe him, but after he was convincd of the truth, he was excessivly well pleased, and said he would wait upon me, and assure me from his own mouth of his affectionate friendship and regard; and I am to sup with his Grace the next week. He then spoke to the Marquis of Tweeddale, who answered him in the same terms. I went to see him, and he received me with open arms, as did the Earle of Stairs, who was with me yesterday, and comes to see me every time that he comes to town. My friend, Mr. Erskine, will manage the Duke of Queensberry and the Duke of Buccleugh, who are already my friends and relations. I am now, my dear cousin, at the end of my project. You see me embarkd over head and ears with the noble party of the patriots, and you see me received with open arms, even with the great familys that were my enemies, who will not only be my stedfast friends, but will continue for their own sakes friends to my son and to my family; so that I humbly think that, by Gods help, I have done the greatest service to my son and family that was possible for me to do, which I hope will redound to the interest, honour, and glory of my kindred. After I found that those great men received me with open arms, I thought I woud not in honour go into their party with bare brix. I told them that I woud not only give them my vote, but that I hopd to gain them the shire of Inverness, by chusing my cousin, the Laird of M'Leod, as member. You see now, my dear cousin, that the ellection of Inverness shire is mine more

than the Laird of M'Leods, and that every man that wishes me well, and my family and kindred, shoud support me in carrying that ellection for the Laird of M'Leod.

As to Sir James Grant, he is a poor weak man, that most people despise, and his own wicked son despises him more than any, and for the famous young laird, he has usd me allways as if I was an old fool, which I do not conceall from the world; and when his father askd my assistance when he was going to London, I refus'd it, and told him that his son usd me very ill, and that I woud make it publickly known. I thank God, he uses many ill as well as me, and his character now is torn to pieces. His late behaviour to Dalrachany has given him a finnishing stroake, and occasioned the unhappy sickness of good Lady Margaret, his wife. The way that that story is publickly reported in this town, which is vouchd by letters from Strathspey, is, that the Laird of Grant and Dalrachany, and one or two more, having drunk a hearty bottle, Grant received a letter by express from the Earle of Murray, and, after reading it, he said that it was an impertinent insolent letter; and Dalrachany, thinking to mitigate and soften the laird, said that there were some things in that letter that were not so much amiss. Upon which the laird called him rogue and raskall, and took up his hand, as some say, with a kayne, and gave Dalrachany a blow. Dalrachany got up, and told him that he woud suffer that blow from him as his chief, but that he woud not suffer the second blow of any subject; and the laird redoubling his blow, Dalrachany engaged with him, and took him by the collar, and, endeavouring to throw him down, he tore the lairds coat, westcoat, and shirt, down to his britches; and when he threw him down, he thresh'd him most heartily, till the laird roard and cryd. Upon which Lady Margaret, that was in the next room, came in, and seeing her husband in that pickle, she roard and cryd, and was so frightend that her head turnd, and is since dilirious. I leave you to judge how that gentleman will be belovd and respected in his own country.

I thought myself very sure of all the Frasers, and particularly of Fairfield, whom, you know, I allways treated like a brother, and his lady like my sister. But he took his journey by Castle Grant, and, for a promise that the laird made him of an ensigncy to his son, the poor covetous narrow greedy wretch has renounced his chief and his kindred, and forgot all the favours that I did him. When he came to this town, he came to my house, with the same affectionate behaviour that he used to have, and with the

greatest protestations of friendship; and I received him with open arms, and thought I was very sure of him, since M'Leod had writt to me that he swore to him that he never woud do any thing contrary to his chiefs inclinations; and that Thomas of Gortuleg, who is my baillie and chamberlain, and chief trustee in that countrey, whom I sent about to speak privatly with my friends in favours of M'Leod, had writt to me that Fairfield desird him twice to acquaint me that, when he came up to Edinburgh, he woud be absolutly determined by me as to the ellection. But I was surprisd that, some days before he went away, having come here with his cousin, Mr. Cumming, the minister, who I believe has likewise poisoned him very much, for he is a sworn creature of my Lord Ilays, who made him professor of church history in this university, he then discovered himself to be an unnaturall traitor, an infamous deserter, and an ungratfull wretch to me, his chief, who had done him such signall services. And if I never had done him any other service, but getting him one of the best ladys in the world, your worthy sister, to be his wife (which cost me both pains and expence), who had bore him good children, he shoud be hangd for deserting of me to serve any Grant that ever was born, or any other Scotsman. William Fraser, my doer, having told me that the Laird of Grant had promisd him an ensigns commission for his son, providing that he woud vote for his father, and that he believd if I woud secure an ensigns commission for his son, that he never woud vote for the Laird of Grant, this made me resolve to speak to him before his cousin, Mr. Cumming, and my doer, William Fraser. I told Fairfield that I was far from desiring his loss, or any hurt to his family; that, since the Laird of Grant promisd him an ensigns commission for his son, that I woud do better. Grants promise was precarious, but that, that moment, before his cousin, Mr. Cumming, I woud give him my bond for £500 sterling, oblidging myself to gett his son an ensigns commission in two months, or to give him the full value of it in money to buy it for his son. He then, most insolently and villainously, told me that he coud not accept of it, that he was under previous engagments to the Laird of Grant, and that he must keep them. I own that put me in some passion, and told him, with some warmness, that what he said was impossible, because I had a letter in my pocket from the Laird of M'Leod, wherein he says that Fairfield swore to him that he never woud

do anything against his chiefs inclinations. I took it out of my pocket and showd it to Mr. Cumming, which stunned him very much. I told him that Gortuleg likewise wrote to me that he desird him twice to acquaint me, that when he came up to Edinburgh, that he woud be entirly determind by me. The gentleman was so insolent as to tell that both these letters were false. I told him that he durst not say so to the gentlemen that wrote them, who were men of honour and integrity, and I bad him go the devil, and call himself a Grant, and live in Strathspey; that I would resent his behaviour as far as I coud by law. I doubt not but Fairfield will tell all this to the Laird of Grant, and that Mr. Cumming will write it to the Earle of Ilay, his patron, so I may expect all the resentment that they are capable of, and so he went away. Mr. Cumming and William Fraser seemed very much concernd for his behaviour. Fairfield spoke to me three or four days before that time; and told me that the design of his coming to Edinburgh was to sell me his estate. I told him that I was absolutly against that project, that while he or his children who were so nearly related to me possessd that estate, I thought it the same as if my own children possessd it, but that I woud not allow him to sell it to a stranger, because I had a strong claim upon it, that I believe will reduce the rights of it when I please, and that, whoever bought it, I woud spend a thousand pound to make my claim good; and since that time, Fraserdale has given me papers that, by all probability, will make it effectuall, with a decreet of reduction, pronounced in my Lord Prestonhalls time, so that Fairfield is as mad as he is unnaturall and ungratefull. It is not truly him that I regrate, but my very dear cousin, your worthy sister, whom I allways lovd and respected as if she had been born my sister, and her children, whom I hopd and wishd woud make a handsome family in the countrey, but by this creatures excessive narrowness and greed, which has turned his head, he will not only be his own ruin, but the ruin of his children. But I hope, my dear cousin, your sister will not consent to the selling of the estate (though he says she has done it), otherwise she cuts the throats of her children. I wrote fully of this to my cousin, Evan Baillie, and to Gortuleg, and to young Duncan Fraser, at Inverness, who is a most excellent lad. I must tell you an extraordinary mark of friendship and generosity. My cousin, Evan Baillie, that was doer to the Laird of Grant, a long time before I knew him, has writt to Sir James Grant, and has openly declard that since there is a difference

betwixt the Lord Lovats family and the Laird of Grants, that he was resolvd to stand by the Lord Lovat and his family against any other whatsomever, because of the obligations that he ows to the Lord Lovat and that his mother and grandmother were Frasers of the Lord Lovats family, so that they must excuse him, and expect no services from him.

When a man of another family and kindred stands so firmly by me, what scandal and shame is it to a Fraser, that pretends to be of my family, to desert me.

All my fear at present is, that my cousin, Gortuleg, who certainly is the prettiest fellow of my kindred in the Highlands, will fall foul of Fairfield, who, I believe, is stout, which is the only good quality that I can imagine he has; and in all events, if they fight, Fairfield is undone, for if Gortuleg kills him there is an end of him; or if he kills Gortuleg, the universe cannot save his life if he stays in this island; for Gortuleg his four cousin-germans, the most bold and desperate fellows of the whole name, who woud take of Fairfields head at the cross of Inverness, if they were to be hangd for it next morning. I know them well, for they have been very troublesome to me by their bloody dowels. I beg you ten thousand pardons, my dear cousin, for this very long letter; but I entreat you seriously consider of all that is in it, and after mature deliberation, I beg you may send an express to your sister, and write to her and to Fairfield what you think proper upon the subject of this letter.

I give you ten thousand thanks, [ ], for your present of the horse. I immediatly hird a coachman, and sent him north to take care of him; and the first that appears of his race in my country will be yours. As to the affair of Dingwell that you euquire about, there is a bloody liable come out against Sir Robert, and his family, and followers, and according to form, since he is at London, he is summoned at the Cross of Edinburgh, and at the peer of Leith, to compear within sixty days in answer of that liable, before the Lords of Justiciary, who have given a warrand for it; but as Sir Robert has the first minister and my Lord Ilay his friends, I believe his enemies will not make much of this affair.

The first time that you have occasion to wait upon the great man, the Earle of Aberdeen, I beg you may do me the honour to assure his Lordship of my most affectionate humble duty, and that I am as much his Lordships faithfull servant, and as zealously attached to his party, as any one

man that is in it; and tell him that my cousin, Mr. Erskine of Grange, who is in great friendship with the Earle, told me that he had written fully to his Lordship of me on this subject, and beg'd of his Lordship to engage Glenbuickit to write to his son in law, Glengerry, that he might be for M'Leod in the next ellections, since it is of vast consequence to our party; and the unnaturall monster, Fairfield, is the only person that has put us in danger. Glenbuickit did me the honour to make me two visits, and we spoke seriously on this subject, and Glenbuickit is afraid that neither Sir Alexander M'Donald nor Glengerry will qualify. In that case, we will lose our ellection; but I intreat that you speak seriously to my Lord, that he may engage Glenbuicket to write strongly to Glengerry to perswade him to take the oaths. I know he has no regard for them, so he should not stand to take a cart load of them, as I woud do to serve my friends; and the shire of Inverness is of such consequence to our party, that no man that loves it but shoud do his utmost that M'Leod should carry it. As soon as the weather will allow me to go north, I am resolvd to go expressly upon this subject, and use all the interest that I have in that countrey, and all the industry and art that I am capable of, that we may not be baffled.

You may show all that you think fitt of this letter to [ ] the Earle, and tell him that since he is known to be a man of consumate wisdom, prudence, and understanding, that I humbly beg his Lordship may give me his full advice, by you, in this affair, since I ask it for the good of the party, which I hope he will not refuse. I long extreamly to have the honour of a conversation with him. I am in great hopes that we will understand each other, and be in great friendship hereafter while we live, since I flatter myself that our principle as to politicks will allways be the same.

[ ], I have now wearied you with one of the longest letters that ever I wrote, and I am truly fatigud with it myself. But there was a necessity for me to explain myself in every article of this letter. You may be sure that I will long mightily to have a return to this. You must send an express with it to Hugh Fraser, who will send it to me carefully by the post, whom I will reward for it. His cousin tells me that Hugh is foreman to Mr. Catenach, so that your express will easily find him out.

I pay the post that carrys this to him, as I will pay the post that will carry your letter here from Hugh Fraser. Forgive all this trouble; and

believe that I am much more than I can express, with unalterable attachment and respect,

[ ],
Your most affectionate cousin,
most obedient and most
faithfull humble servant,
LOVAT.

Edinburgh, January 3d, 1741.

P.S. I continue still to have a cough, and the pain and weakness in my knees is not yet gone of. Some say it is the gout. I am otherwise in tolerable good health, but much concernd for my son, who has been very ill of an aignish fever above these three weeks past, and I cannot yet say that he is much mended, but the doctor says that he is in no danger. My daughters, (I thank God), are in pretty good health; and they and my son joyne with me in assuring you, and the good lady [ ], and all your lovly children, of our most affectionate humble duty, and wishing you all many and many a happy new year.

IV.

FROM SIMON LORD LOVAT.

My Dear [ ],

I received, with great pleasure, the honour of your letter, of the 12th of January; and it gives me great joy to know that you are all well, and the good lady [ ], and your eldest son, and all the family; and I do from my heart and soul assure you and them of my most sincere and affectionate humble duty.

I am delighted, [ ], with reading your letter, for I find it full of good sense, solid understanding, affectionate friendship, true honour, and a pretty turn of witt. And you are the man in the world, except my own son, that I am most pleased to see endued with good sense and understanding.

You need give me no thanks, my dear [ ], for making you a

barron of the shire of Inverness, at my own expense. I do that to you for [your] worthy fathers sake, and your own, and for the support of our familys, for I allways reckon yours and mine the same in every shape, and to all intents and purposes; and I hope before I die, to do much more for you and your family than making you barron of the shire of Inverness, for I sincerly declare to you, that I have the same affection and love for you that I have for any of my own children, and as great a desire to do you good as to any of them.

I gave the disposition that I made to you, and the disposition that I made to my Lord Strichen, to William Fraser, Belnains son, that he might let Mr. Robert Craigie and Mr. Ferguson of Pitfoore see them, about a scrouple that we had concerning the trust oath, but there is nothing in it. The disposition contains nothing of a trust, but is an absolute deed without any condition. The reason why your charter and Faralanes does not pass this term is, that your barronies are to be founded upon near £500 Scots, valud rent, and Strichens passes because it is not the half of that of valud rent, but a forty shilling land of old extent. But as to the time, it will be much about the same, since yours and Faralanes must come out in the term of June, and that you will be all three enrolld at the next Michlemass head court. I heartily curse my doers, whose only fault it was that these charters were not expede two years agoe, which woud have got me a glorious victory over the Grants at this time. They lie that tell you that either Foyers or Dunballoch have left or forsaken me. Foyers, Rilick, Dunballoch, and Muirtown, are as firm as I coud wish; and there is no man that has betrayd, deserted, and forsaken his chief and his kindred, but the ungratfull runagade Fairfield. If my information from Inverness, from honest men there, holds true, he is as mad as ever his brother Johnathan or John was. But I do assure you, my dear [ ], it is not him that I regrate, though he was drownd in the river of Ness, or in Lochmurrie, where it was said his brother Johnathan was drownd, by which he savd his portion; for when great narrowness and greed are joined together in one man, and come to a height with him, there is no crime but that man is capable of. A little money, or an advantage to his private interest, woud not only make him sell all mankind, but Christ Jesus, if he was again upon earth; for he has no belief in God, nor in a future being. My great concern is for your dear sister, who is one of the best women in the world, and for her children, for they must be all ruind by this madmans villainous be-

haviour; and if it had not been for my positive and express orders, he had been cut in pieces before now, for it is impossible to express the zeal and the violence with which he is hated by all the kindred. But besides that, I coud never allow a drop of the Frasers blood to be shed of those very men that were contriving to take away my life. I knew that the meddling with him now woud wrong our affair, and if an Arrabian killd him, it woud be calld my deed. But I hope to live long enough to see him chastisd with as great a punishment as death woud be to him at present.

Though I gave my positive orders to my baillie and chamberlain, Thomas of Gortuleg, who is the prettiest man of my name in that countrey, not to meddle with Fairfield, at any rate at this time, though he calld Gortuleg a lyar to me, to Mr. Cumming the minister, his cousin german, and to William Fraser, my doer, and to many others in this town, and in the north, because Gortuleg wrote me two letters, in which Fairfield desird him to acquaint me that he woud do every thing that I woud bid him after he came to Edinburgh, and declare himself as I pleased. He likewise swore to the Laird of M'Leod, that he never woud do any thing against his chiefs inclinations; and now he denys like murder that he never said any such thing either to Gortuleg or to the Laird of M'Leod, for which he has not only Gortuleg upon his back, but the Laird of M'Leod. But I am informd by a very good hand to whom he said it himself, that he will attack Gortuleg the first time he saw him, which plainly proves what I say, that he is as mad as any of his brothers ever were. If I thought that the miserable wretch coud be retrievd, I woud beg of you to go and see your sister for a day or two, and try what you and she can do with him; but as he is an ignorant obstinate blockhead, as most madmen are, I am [of] oppinion that your going there woud do me no manner of service, and woud be but troublesome and expensive to yourself, so I intreat you do not think of it till I write you again.

I am, as to my politicks, my dear cousin, just as I was when I wrote my last to you, with the satisfaction that Duke Hamiltoun, and the other great men of our party, are mighty kind and civil to me; and I can now tell you with pleasure that I am as well acquainted, and as intimate, with the Earle of Aberdeen as if I had the honour to be long known to him; and it was a great loss to me, and I believe likewise to you, that I have not been acquainted with him these many years past; I admire much his good parts, his wisdom, and prudence. He is certainly a very great man, and, take him altogether, I do not believe that we have in Scotland such another

great man, especially for knowledge, prudence, and understanding. I spoke a great deall to him about you, and I find he is your affectionate friend, and has a very good oppinion of you. I wish to God, for your sake, I had been acquainted with him these twenty years past. I am very certain it woud have done you great service.

I still continue but very tender in my health. The cough has not yet left me, nor the weakness in my knees. My eldest son, who is here, was twice in danger of dying this year. He first had the measles, which brought him very low; and after having recovered pretty well of them, he fell ill again of a very severe aiguish fever, which never left him for nine weeks, notwithstanding of what Doctor Clerk coud do, who gave him all the assistance he was capable of, and all the medicines he thought shoud cure him, so that the doctor said at last that he did not understand his distemper. However, I bless God, he is now pretty well recoverd; and he and his sisters beg leave to assure you [ ], and all the family, of their most dutifull and affectionate respects.

Since I wrote my above letter, I had the honour to receive yours of the 9th of February, and it gives me allways great joy to know that you and your family are well, and my best wishes allways attend yon and them. What I write in my above letter answers your last letter. But upon reflection, [ ], I am afraid I must put you to the trouble and expence of going for two or three days to Inverness, to see what you can do with that obstinate greedy brute; and if you and your sister cannot retrieve him, and bring him back to his duty, I humbly beg that you may wash your hands of him; for I am very certain that you'le never put him in ballance with me, and when you abandon him, I shall leave him to the resentment of his kindred, which I am afraid will be fatal to him. So, dear [ ], if your affairs can allow it, I woud beg that you woud sacrifice a week for me and go to Inverness, and see what you can do to retrieve that unnaturall and ungratfull monster. And as M'Leod is come to Inverness, I intreat you lose no time going there, and I beg you may see the Laird of M'Leod and Evan Baillie, who is not only my trustee in this affair, but in all my concerns, and who has openly declard for me against the Laird of Grant, and advise with them how you'le manadge that unnaturall madman; for neither you, nor my son, nor any Fraser alive, coud show a more generous attachment for me than Evan Baillie has done. Duncan Fraser is a faithfull kinsman and partisman of mine, and at the same

time, he has a great friendship for Fairfield and his family, and he has labourd very much to bring him back to his duty, with the assistance of your sister, but coud not yet prevail. He will inform you of all that passed twixt Fairfield and him, and assist you all he can. At the same time that I received your letter, I had the honour to receive a most gracious and a most obligging letter from my Lord Saltoun. No Stratherrick man coud write to me in more kindly terms. He begs my advice in the present criticall situation of affairs. I took the liberty to show his letter and yours to the Earle of Aberdeen, who spoke most kindly of you, and laughd heartily at your postscript; but he is very much afraid that my Lord Saltoun may be laid astray, and he intreated of me to write to you, that when you see my Lord Saltoun, you may speak strongly to him, that he shoud take care not to bring a disgrace and stigma upon his noble family, that was allways loyall to their king and countrey, by abandoning now the interest of his countrey, and the noble familys that stand up for it, and that for a pitifull pension, that perhaps he never woud receive a sixpence of. I am resolvd to write all this to my Lord Saltoun myself, which I will do, and send at the same time with your letter.

As I believe you have not seen the famous and bloody protest of the Lords against the administration, upon levying the last eleven new regiments, the strongest and best written that has been seen in this reign or the last, I send it to you inclosed, that you may communicate it to whom you please. They say we are to have a much finer one very soon, upon the last negative on the motion that was made to remove Sir Robert from the King.

I beg that as soon as you receive this, I may have the honour to hear from you, and let me know what day you set off for Inverness; and believe that I am, with a most affectionate attachment and respect,

My dear, [ ],

Your most affectionate cousin,
most obedient and most
faithfull humble servant,

LOVAT.

Edinburgh, 25th February, 1741.

P.S.—I send you likewise the last protest, which is come but lately to my hands.

V.

FROM SIMON LORD LOVAT.

My very dear Cousin,

I received the honour of your most kind and oblidging letter of the 2d of March, for which I give you my most sincere and hearty thanks.

I am exceeding glad to know that you and the good lady [ ], and your eldest son, and all your children, are in good health. Long may you continue so, and I sincerly assure you and them of my most affectionate humble duty, and that of my yonng ones that are here, who are in good health. But I have been very much out of order these ten days past, with the effects of cold. I had a press of vomiting, loosness, and grinding, and now I have a great roupe or hoarsness; but Doctor Clerk says that it will be soon over, and advises me to go north as soon as possible, which I am resolved to do.

As to the manadgment of Fairfield, I shall say nothing of it, but refer yon entirely to the advice of my very good friends, Mr. Baillie and Duncan Fraser, and the Laird of M'Leod; but if he will continue to be obstinate and not hearken to your advice, I intreat you may tell him that you will leave him to himself, and that he can bleam none but himself for any mischief that will happen to him, and that you never hereafter will concern yourself about him, since you must allways prefer your chief, and the head of your family, to him or to any man.

I am very angry that your charter, and Strichens, and Faralanes, are not pass'd at this term. But it is Macfarlanes absolute negligence and laziness; for though I gave him mony two months ago to pass Strichens charter, it is not yet pass'd, so that he cannot be infeft till after the next term; and your charter and Faralanes will be ready at the same time; for I will not trust it any more to Mr. Macfarlane, but I will give the money to William Fraser, and order him to see it expede, so you may depend upon it that you'le have your charter in your own possession in the month of June, that you may be infeft when you please, and enrolld at the first Michlemass head court. If I do not overtake you in the north, as I hope I will, you must certainly resolve to come immediately and see me, because

I have affairs that concerns yourself to communicate to you that is not proper to committ to a letter, and I'le send an express to acquaint you. When you see the Earle of Aberdeen, I beg you may assure him of my most dutifull and affectionate respects, and make my most humble compliments to my Lord Haddo.

I shall long extreamly to hear from you; and I ever am, with unlimited attachment and respect,

[ ],

Your most affectionate cousin,
most obedient and most
faithfull humble servant,
LOVAT.

Edinburgh, 12th March, 1741.

P.S. Muirtoun went from this on Tuesday last, and I have fixd him, so that all the great offers and promises of the Laird of Grant cannot alter him from standing by the Laird of M'Leod and me. Dunballoch is likewise fixed, by my granting a discharge to his brother William of all his intromissions, so that Fairfield is the only runagade of the lordship of Lovat, to the great dishonour of the clan. Duke Hamiltoun, and several other Lords, asked me, in a joking way, whether that fellow that has deserted his chief and his clan, is still alive or not. I answered that he was, by my precise and express orders, and I said but what was true. Adieu my dear [ ]. I shall be very uneasy till I hear from you.

VI.

FROM SIMON LORD LOVAT.

My Dear [ ],

Since I find that you do not answer any of my letters that I writ by the post, I send my footman express to you with this letter, first to tell you that I am very ill pleased that you do not let me know what you are doing, since no man in the world is so much concerned with you as I am. I did hear that you was making some transactions, [ ], about your estate. I writ to you about it, but had no return from you

But if you do good things, I shall allways be very glad, though I should never be acquanted with them. Yet I think that your affairs would not go the worse with you, that you did allways communicat them to me, who is so very nearly concernd in you. But, to say no more on that head, you know that I spok to you of a trade that was like to be advantagious to this countrey, of a herring fishing. I medled a little in it this year; but Mr. Wightman, the great merchant, is to put me in a way to do good to myself, and my friends; and since you are my nearest relation in the world, I design that you should profit of that trade. Therefore I desire that you may come imediatly and see me here, that we may concert matters before I be ingadgd with any other partner. Do not make excuses for not coming, for if you have any regard to me, or to any thing belonging to me, I beg you come here, though you should stay but ten days or a fortnight, for I have several things to tell you of my own concerns, which are your concerns, as my heir male, that I cannot committ to paper; so if you love me, or any thing that I can do for you, do not feal to come here as soon as possible, though it were but for a few days. My wife gives you her duty, and longs to see you; and I am, with as much affection as I was your father,

My dear [ ],

Your most faithfull slave,

LOVAT.

Beaufort, the 15th of October, 1742.

I intreat you use your indeavour to get me a good groom, and a good running footman, again Martinmas, for I lost my fine stond horse, and my English little horse, by the meer neglect of a stupid villain of a groom that I have thir ten years, who has neither activity or comon sense; so I intreat you do what you can to get me a carefull man to look after my horses. I'le give him what fee you please to agree for.

VII.

FROM SIMON LORD LOVAT.

My Dear [ ],

I hope this will find you and your good Lady [ ] and all your lovly ffamily in perfect health, and I most sincerly assur you

and them of my most affectionat respects and best wishes. I will not quarell you in this letter, nor tell you that you are the most unkind relation in the world. I refer scolding of you till I see you. I have sent the bearer, my cousin, Gorteleg, express to wait of you, and to communicat to you an affair of the last consequence to you and to me. I would not trust it to any other man of kindred but to Gorteleg. I therfor beg of you to give the very same credit to all that Gorteleg tells you as if I was speaking to you myself. You will find the affair of such a nature as admits of no delay. So, as you love your own honour and interest, and that of my familys, do not hesitate a moment in following Gortelegs instructions and advices that he will give you from me. I pray God may preserve you, and give me good accounts of you; and I ever am, much more than I can express, with zeal and attachment, [ ],

Your most affectionat Cousin,
and most faithfull slave,

LOVAT.

Beaufort, the 17 of Apryle, 1745.

[Letters I., VI., and VII. are in the handwriting of Lord Lovat. The others appear to have been written by his Secretary, and are signed by his Lordship.]

II.

THE CHRONICLE OF ABERDEEN.

M.CCCC.XCI—M.D.XCV.

THE CHRONICLE OF ABERDEEN.

M.CCCC.XCI—M.D.XCV.

THE therd day of October, yeir of God 1491 yeir, Johne Cullen, eldest sone to Robertt Cullen, bailye of Aberden, was ellectit and chossin prowest be consentt of the haill towne, and that for that instantt yeir, with rasauin of his eyitt, conforme to the aithtis, and Thomas Fyffe, Andro Cullen, youngar, Andro Cullen, eldar, Johne Menzis, bailleyis, with thair aythte maid for ministrationne of juistis. Cullen, Prouest.

Thomas Praitt, bailye of Aberden, departtit owitt of this pressent lyfe the 27 day of September, the yeir of God ane thousand fyfe hundrecht yeris. Praitt.

Thomas Menzis, sone to Gilbert Menzis, prowest of Aberdene, was mareitt with Marione Reid, doither to Alexander Reid of Petfodalis, and prowest of Aberden, the xii day of Januar, the yeir of God 1520 yeiris. Menzis. Reid.

Gilbert Menzis, eldest sone to Thomas Menzis, prowest of Aberdein was boryne the tentt day of June, the yeir of God 1522 yeris. Menzis.

The Lard of Meldrum, quha was slayne be the Maister of Forbes in [the] prowestis howiss in Aberdeen, departtit the penwlt day of Januar, the yer of God 1526 yeris. Settone.

And I, Walter Cullen, yownger, was boryn, as I hard my fader and my moder say, and maik raportt, the second day of Nowember, the yer of God 1526 yeris. Cullen.

Menzis. Gilbert Menzis, prowest of Aberdenis howise towik fyir and breiutt, the xxiiii day of Aguist, the yeir of God 1529 yeris.

Rolland. Wilzem Rolland, elder, burgis of Aberden, departit the laist day of October, the year of God one thousand fyfe hundreth and thretty yeris.

Dunbar. Bischoip Gawin Dunbar, bischoip of Aberden, departtit the xvi day of March, the yeir of God 1531 yeris.

Menzis. Willem Menzis, fyft sone to Thomas Menzis, prowest of Aberdein, was borine the vii day of Februar, the yeir of God 1532 yeris.

Chalmer. Medonis Chalmer, lady of Fynlater, departtit the saxt day of Aprill, the yeir of God 1532 yeris.

James the Fyft Kyng. Kyng James the Fyft selitt to the Illis the xxv day of Julij, the yeir of God 1534 yeiris.

Collison. Duncan Collison, bailye of Aberden, departtit the sext day of Aguist, the yeir of God, 1536 yeiris.

Maigdalin, Quhein. And alse the said Kyng James the Fyift sailit to France the xv day of Aguist, the yeir of God 1536 yeris, and maritt Magdalen, doithar to the Kyng of France, and the sayd Queyne Magdalen departitt the vii day of Julij, the yeir of God 1537 yeris.

Queyn Magdalin. Queyn Magdalin, dochtir to the King of France, and Queyn of Scotland, departtit the sewint day of July, yeir of God 1537.

Praitt. Besse Praitt, doithar to Thomas Praitt, bailye of Aberden, and spowis to Walter Cullen, bailye of the said burgh, departtit the sewint day of Dissember, the yeir of God 1538 yeris.

Besse Praitt, ane of the doitharis of wmquhill Thomas Praitt, bailye of Aberdein, and spowiss to Walter Cullen, elder, bailyie of Aberdein, departtit owit of this presentt lyife the sewinth day of Dissember, the yeir of God 1538 yeris.

Mare, doither to the Dwik of Gweis, quha was maritt on Kyng James the Fyft, landitt in Scotland, at Balcome, in Fyfe, the tentt day of June, the yeir of God 1538 yeris. Mare, Quein.

Sir William Cowpar, cheplane in the pariss kyrk of Aberden, departtit the xxiii day of Aprill, the yeir of God 1539 yeris. Cowpar.

Androw Cullen, prowest of Aberden, and secund sone of Robertt Cullen, bailye of the said burgh, departtit the 27 day of Januar, the yeir of God 15[ ]. Cullen.

The gawill of the pariss kyrk, callit the waist gawill, was compleitt the yeir of God 1541 yeir. Dauid Anderson, maister of wark to the stein wark of the sayme; and Walter Cullen, elder, maister of wark to the glaiss wark of the sayme. The wayst gawill of the kyrk.

The xxii day of Marche, the yeir of God 1541 yeris, departtit Thomas Brechin schip, on the coist of Ingland, at Skerisburg, with thir marchandis within hir: Thomas Brechin, John Brechin, Alexander Ruderfurd, James Ruderfurd, Robert Blak, Alexander Watson, David Banerman and his sone, Andrew Portar, Johne Reid, John Baid, John Arthour, George Gwithere, Johne Collisone, Hendre Collison, Alexander Mar, Duncan Kelle, John Mychell, Wilyem Mychell, Johne Freser, Thomas Hay, yownger, Androw Wilson, John Fychaitt, Gilbert Anderson, Patrick Mar, Wilyem Carnes, James Symson, David Fynne. Brechinis schip.

Marre, Queyn of Scotland, doithar to Kyng James the Fyft, was borin the xxv day of Nowember, the yeir of God 1542 yers. Queyn Mare.

James the Fyft, Kyng of Scotland, departit the xiiij day of Dissember, the yeir of God 1542 yers. Kyng James.

Gilbert Menzes, prowest of Aberden, departtit the xxvii day of September, the yeir of God 1543 yeris. Menzis.

The fedyll of Pynke was strekin betuix Scotland and Ingland, the sext day of September, the yeir of God 1547 yeris. Pynke.

Cullen. Robert Cullen, burges of Aberden, and eldest sone to ane honorabill man, Walter Cullen, bailye of the said burgth, departtit in the feidill of Peynky, striken betuix Scoitland and Ingland, the tentt day of September, the yeir of God 1547.

Cullen. Malseor Cullen, burges of Aberden, and eldest sone to an honorabill man, Jaispartt Cullen, bailye of the said burgth, departtit in the said feidill of Peynky, the said day and yeir aboiue writtin.

Pynke fydill. The feidill of Pynke, betuix Scoitland and Ingland, was strikin be James Earl of Eran, gowernar of Scoitland for the tyme, and the Dwik of Northock, in Ingland, and wyn be the Inglis men, the tentt day of September, the yeir of God 1547 yeris; quhairin was slayne to the towne of Aberden thir personis efter followin, that is to say, Androw Menzis, Robert Cullen, Melseor Cullen, Alexander Gray, Thomas Scherar, Wilyem Anderson, Robert Arthowr, Johne Lamb, Alexander Freser, Wilyem Rolland, elder, Wilyem Rolland, yownger, James Ardess, Gilbert Nicolsonn, Maister James Torre, James Anderson, Johne Knowis, Johne Maleson, Thomas Hay, elder, Johne Setton, Wilyem Menzis, Maister Johne Gordone, Hendre Dwithe, Robertt Raittre, Thomas Patton, Robert Wallis, Duncan Gae, James Preston, James Findlay, Alexander Forbes.

Reid. Marioune Reid, spowse to Thomas Menzis, prowest of Aberden, departit the xx day of September, the yeir of God 1551 yeris.

Chalmer. Mariore Chalmer, spowiss to Gilbert Menzis, prowest of Aberden, departtit, the saxt day of Februar, the yeir of God 1553 yeiris.

Anderson. David Anderson, bailye of Aberden, and maister sumtyme of the kyrk wayrk, departtit the xxiiij day of Marche, the yeir of God 1555 yeiris.

Cullen. Maister Androw Cullen, sone to Androw Cullen, prowest of Aberden, persone of Fetterneir, and wikar of Aberden, departtit owitt of this presentt lyfe the sewint day of Julij, the yeir of God 1560 yeiris.

Tulidefe. Janett Tulidefe, doichter to an honorabill man, Maister Androw Tulidefe, bailye of Aberden, and spowiss to me, Walter Cullen, yowyngar,

burges of the said burgth, departit owitt of this presintt lyfe, the xxiii day of Aprill, the yeir of God 1561 yeir.

Walter Cullen, elder, bailye of Aberden, and eldest sone to ane honorabill man, Androw Cullen, prowest of the said burgth, departitt the xxviii day of October, the yeir of God 1561 yeir. Cullen.

The vii day of Dissember, the yeir of God 1563 yeris, Alexander Cullen and Elspaitt Lumisden had ane doithair baptist in Aberden, be Maister Adam Herioitt, minister, gottin in mareage, callit Isbell. Thomas Nicolson, Isbell Keycht, Mariore Menzis, witnessis to the sayme. Cullen. Lumisden.

The xxiiij of September, the yeir of God 1565 yeris, Alexander Cullen, and Elspaitt Lumisden, haid ane sone baiptist in Aberden, be Maister Adem Herioitt, minister, gottin in mareage, callit Andro. Patrick Menzeis, Andro Buik, Maister Menzis, witnessis to the sayme. Cullen. Lumisden.

The nynt day of Februar, the yeir of God 1566 yeris, Hendry Stwartt, Lord Darly, Kyng of Scotland, quha maritt Mare Stwartt, Queyne of Scoitland, doithar to Kyng James the Fyft, was crwelly mwrdryst, wnder nycht, in Edinburg, in the Kow Geatt, at the kyrk of Fydill, be James Habrwin, wmquhill Erll of Boydwall, and oderis his assisteris. Quhais deid God to rewenge. So be it. Kyng Hendry.

The birtht of the Kyng. On Wednisday the nyntin day of June, the yeir of God 1566 yeris, owir kyngis grace, James the Saxt, Kyng of Scoitland, was boirin in the Castell of Edinburg, quha ryngis nowe aboyf ws, quhome God most preserwe in gwid helth, and, in the feir of God, to do justice in punessing of wrayng, and in manttinyn the trowcht, all the dais of his lyfe. So be itt. James the Saxt, Kyng of Scottis.

Thomas Nicolson, bailye of Aberden, departtit in his schip on the coist of Holland, the xx day of Januar, the yeir of God 1568 yeris, with thir marchandis beand in cumpany with hym, quha departtit, Androw Cullen, Thomas Knowis, Walter Anderson, Alexander Chalmer, Walter Pyterkin, William Portar, Alexander Cowy and his sone, Johne Reid, Andrew Dwertty, Johne Myll, Wilyem Scoitt, Duncan Dauidson, James Ewyne, Alexander Nowin, Johne Aquenlek, Johne Mathoson. Nicolson schip.

Cullen. Lumisden.

The xxiii day of Marche, the yeir of God 1568 yeris, Alexander Cullen, and Elspaitt Lumisden, haid ane sone baiptist in Aberden, be Maister Adem Herioitt, minister, gottin in mareage, callit Robertt. Gilbert Menzis, youngar, Robert Menzis, elder, Isbell Menzis, witnessis to the sayme.

James, Regent.

The twenty thre day of Januar, the yeir of God 1569 yeris, James, Erll of Mwrray, Lord Abernethe, regent to the kyng, and realme of Scoitland, was crwelly murdrist, and schoitt in the town of Lythco, be ane false traytowir, James Hamylton of Bodwallhaucht, be the conspyrase and traisson of his awin serwant, Wilyem Kyrcaldy, and Johne Hamylton, bludy bischoip of Santandros. Quhoise deid we pray God to rewenge. So be it.

Writin be me, Walter Cullen, reder of Aberden, the 19 day of Marche, the yeir of God 1570 yeris.

This prophece is fund in ane old cronikill of ane Italiane, writin tway hundrecht yeir sein, and the copie thairof send in Germanie, and was gottin fray ane Joachimis Camerarius, extendand to the yeir of God 1580 yeris:

Farraria tremet, ...	70
Syprus a syon recedet, ...	71
Pastor non erit, ...	72
Ira dei super nos, ...	73
A paucis connoscetur Cristus, ...	74
Prælum magnum erit in vniuersa terra, ...	75
Affrica ardebet, ...	76
Surget vir maximus, ...	77
Europa trepidabit, ...	78
Fames erit super vniuersam terram, ...	79
Fiet vnum ouile et vnus pastor, ...	80

Cullen. Lumisden.

The laist day of Julij, the yeir of God 1570 yeris, Alexander Cullen and Elspaitt Lumisden haid ane sone baptist in Aberden, be Maister Adem Herioitt, minister, gottin in mareage, callit Alexander. Gilbert Gray, Alexander Menzis, Mause Rattray, witnessis to the sayme.

Dunbertan.

The second day of Aprill, the yeir of God 1571 yeir, the castel of Dumbertan wes wyne be Erll Mathow Stewarttis men of weir, regentt for

the tyme to the Kyngis grace, in the quhilkis wes my Lord Flemyn, quha fled away be sey, and Johne, byschoip of Sant Androis, quha wes tayne, and thairefter haid to Stirwilyng, and hayngit the sewint day of the said monett, as ayrtt and partt of the mwrder of James, Erll of Murray, regent afor to the Kyngis grace. Hamylton, bischoip.

The viii day of Aprill, the yeir of God 1571 yeris, Maister Andro Lesly, person of Fetterner and scherreife clark of Aberdein, depertit owit of this present lyfe. Lesly.

The thred day of May, the yeir of God 1571 yeiris, the towine of Edinburg was haldin contrar the Kyngis grace, and his regentt, Erll Mathow Stewartt, regent for the tyme, thir lordis beand within it, the Erll of Erand, Hamilton; Erll of Huntly, Gordone; Lord Hwym; Makswall, Herris; the Secretar, Maitland; President Balfour; the Bischoip of Dunkell; Aboitt Arbrocht, Hamylton; Aboitt Kynwyning, Hamylton; Glowyd Hamylton; with mone oderis barrownis and gentilmen. Edinburg.

The xvi day of June, 1571 yeir, the Aboytt of Kynwynning was slayne at the fydill besyd the Abbay, callit the Blak Parliament, with syndre oderis, to the nwmer of iii^{xx}; and Captane James Cullen was tayne, with my Lord Howyme, with oderis gentillmen and suderts, to the nowmer of iiij^{xx} men; and this was dowin be my Lord Morton and my Lord Lyndsay, with oderis nobillis and gentillmen of the Kyngis grace faikcione. Blak Parliament. Morton. Dowglas.

On Satterday, the sewint day of Julii, the yeir of God 1571 yeris, Johne Cullen, sone to me, Walter Cullen, burgis of Aberden, was borin, and gottin in mareage on Elspaitt Tulideffe, my wyfe, and baiptist in Aberden, be Adem Herrioitt, minister for the tyme. Maister John Kenedy, Robertt Forbes, Margaret Rolland, witnesses to the sayme. Cullen. Tulidefe.

The xvii day of Julii, the yeir of God 1571 yeris, Captane James Cullen was hedyd at Leyeht, for assistin with thayme in Edinburg. Captaine Cullen.

The xxiiij day of August, 1571 yeris, the grytt and crwll mwrther and messecar of Paris wes committit be Hendre, Kyng of France, and the Dwik of Gwyse, with consent of the haill papithis of that religione, efter Massacre in Paris.

the decre of the Cousall of Trentt, nocht allanerlly in Paris, bott in the maist notabill townis of France, of all thayme that profest Cristis trew religione.

Lyndsay.

The penwlt day of Agwist, 1571, thair was ane skarmyss betuix my Lord Lyndsay and the Lard Wyrmyston, at the Calsay at Leytht, quhair my Lord Howim was tayne, and thaireftir conwoit away on the day sayd. Sir James Hallyburton tayne be the men of Edinburhg, thay beand iiii^{c} horsemen, by futmen. My Lord Lyndsay nocht beand halfe say mone, gaytt the wictorie.

Mathow regentt.

The fowirtt day of September, the yeir of God 1571 yeris, Mathow Stwartt, Erll of Lenoix, regentt to the kyngis grace and realme of Scoitland, was slayne in Stirweling, efter he was tayne be ane Captane Cawder, quhilk coyme owit of Edinburg with my Lord Huntly. And the Lard of Wormyston, prensepall to the horsemen, quhay was slayne, beand to the nwmer of iiij^{c} men, and haid tayne syndre of the lordis, thayne beand in handis, war resquwitt be the Erll of Mar. The said Caiptane Cawder was tayne and broakin on the rowe, and George Bell hangit.

Watsen. Meydilton.

The fowirtt day of September, the yeir of God 1571 yeris, George Watson, and Baitraiche Mydilton, haid ane doithar baiptist in Aberden, be Maister Adem Herioitt, minister, gottin in mareage, callit Elspaitt. Alexander Oglay, Elspaitt Lumisden, Janett Branche, witnessis to the sayme.

Tilliangwss.

The tent day of October, the yeir of God 1571 yeris, the fedill of Tilliangwiss was strikin be Adem Gordoune and Arthowir Forbes, bruder to my Lord Forbes, quhair the said Arthowir was slayne, with syndre oderis of his kyn; and on the oder syd, Johne Gordone of Buiky, and syndre hurtt on bayth the sydis.

Craibstane.

The twenty day of Nowember, the yeir off God 1571 yeris, the fedill of the Craibstayne was strikin, be Johne Maister of Forbes, and Adem Gordone, bruder to my Lord Huntly, quhair the said Johne tyntt the fedill, and was tayne, and syndre of his kyne and frendis slayne, to the nwmer on bayth the sydis iii^{xx} or thairby; and gwid Duncan Forbes slayne the said day.

Johnne Tulidefe, elder, burgis of Aberden, departtit the fyrst day of Dissember, the yeir of God 1571 yeir. Tulidefe.

The twente saxt day of Aprill, the yeir of God 1572 yeiris, Maister Robertt Gordone, bruder to my Lord Huntly, was schoytt with ane dayg in the heid, be Willeim Gordone of Letterfure, and that in James Gordonis pleise of Creyen. Gordone.

Elizabeth Keyth, the spowiss of Maister Robertt Lumisden of Cloway, and bailye of Aberden, departtit the laist day of June, the yeir of God 1572 yeiris. Keyth.

The penwlt day of Julij, the yeir of God 1572 yeris, the Abstenense was taykyn betwix Johne Erll of Mar, Lord Erskin, regent to the Kyng for the tyme, and the lordis beand in Edinburg of the Quenis faictione, and that in hoip of pece, and on the morine the said towne was renderit to the regent in the Kyngis nayme, and to the indwellaris thairof, and proclamatione in the Kingis nayme, and his attoraty set fowirtht thair eftir. Abstinanse.

Thomas Nicolson, elder, burgis of Aberden, qua dwellitt by the hoistepittall, departtit the 16 day of Aguist, the yeir of God 1572 yeris. Nicolson.

The xxiiij day of Augwist, the yeeir of God 1572 yeris, Jaispart of Cullen, gryt Admerall of France, was crwelly mwrdrist in Paris, onder colluir of frendschip, at the Kyng of Nawernis brydell, and onder nycht, be the moist cwrsitt Kyng of France, Monsuir his bruder, and be the dewyse of the paip, cardinallis, bischoipis, aboittis, priowris, monkis, freris, channownis, prestis, nwnis, and haill rabell of that dewillige sowrtt of papistis, dewisitt at the Cunsall of Treyntt. Quhois crwell mwrdir we pray God to rewenge. So be it. Cullen, Admerall of France.

The xiii day of October, yeir of God 1572 yeris, Alexander Cullen and Elspaitt Lumisden, haid ane sone baiptist in Aberden, gottin in mareage, callit Patrik. Maister Patrik Ruderfurd, Alexander Forbes, Isbell Tulidefe, witnessis to the same. Cullen. Lumisden.

The xx day of October, the yeir of God 1572 yeris, Walter Cullen, Cullen.

Tulidefe.

reder, and Elspait Tulidefe, had ane doither baiptist in Aberden, gottin in mareage, callit Margrett. Patrick Hay, Margret Keytht, Elspait Lamb, witnessis to the sayme.

Jameson.

Wilyem Jameson, mayson, and maister maison to the kyrk and bryg wark of Dee, and ellis was maid burgis of Aberden for the same cawse, departtit the xxvii day of Marche, 1573 yeir.

The seyige of the Castell.

The xvi day of May, the yeir of God 1573 yeris, the fyrst schoitt of canwine was schoitt at the castell of Edinburg, be the Inglis men, in the Kyngis of Schottlandis nayme, and haldin be the Lard of Graynge, in contrair the Kyng, and his Regentt, James, Erll of Morttowne, regent for the tyme.

The wynning of the castell.

The xxix day of May, the yeir of God 1573 yeris, the said castell of Edinburgh, wes win be Caiptan Hwim, and Caiptane Crawfurd, and some of the Inglis men, and raynderitt to the regentt in the kyngis nayme, in quhilkis war tayne presonaris, Wilyem Kyrcaldy, wmquhell Lard of Grayng, Caiptane Wilyem Maitland of Ledinton, wmquhell Secretar, my Lord Hwym, the Bischoip of Dunkell, the Secretaris bruder, wmquhell Priowr of Kowdingaym, the Laird Lastarik, with syndre oderis gentill men burgeses and suderts.

Kyrcaldy.

The thre day of Agwist, yeir of God 1573 yeris, Wilyem Kyrcaldy, sumtyme Lard of Graynge, and caiptane of the castell of Edinburgh, was hayngit, and his heid cutitt frome his body, for haldin of the said castell, contrar the kyng, and oder treasonabell deidis commyttit be him; and siclyk, his bruder, Maister James Kyrcaldy, was hayngit in lyk maner, for tresson, to gyfe oderis exampill to serwe trewally God and thair kynge.

Craig, minister.

The sext day of Aguist, the yeir of God 1573 yeris, Maister Johne Craig, minister, coyme to Aberdein, quho was apoynttit be the gennarall kyrk minister of the said burgth, quhome God moitt continew in the trew prechin of his word to the pepill thairof.

Lesly.

Alexander Lesly, Lard of Wardes, departtit, in Ald Aberden, the xxix day of September, the yeir of God 1573 yeiris.

Willem Marchall, kwik in Aberden, departtit the fowirtt day of Aprill, the yeir of God 1574 yeris. Marchall.

Gilbert Knowis, elder, burgis of Aberden, was slayne be James Gordon, bruder to the Laird of Abergeldy, at the Calsay end, gayndand to the Crowis, the fyrst day Dissember, 1574 yeris. Gilbert Knowis, his sone, also was slayne be the said James, haifand in company with him William Dauidson, burges of Aberden, the said day above wrytin.

Meggye Emsly, pwir woman in Aberden, departtit the xxii day of Februar, the yeir of God 1574 yeiris. Emsly.

The awicht day of Agwist, yeir of God 1574 yeiris, James, Erll of Mortone, Lord of Dalkeyth, regentt to the kingis grace, his raellme, and leigis, coyme to Aberden, and held ane Justice aeir, quhair the towyne of Aberden puitt for thair compone thre thowsand markis of monne for rasetting of Adem Gordone, beyng rabell to the kyngis grace. The said regent departit owit of the towne the [ ] day of the said monett. Dowglas.

Alexander Rolland, yowngar, burges of Aberden, departtit, in Lowrane Markaitt in the Garioche, and was buritt in the kyrk of Rayne, the fowirtt day of Aguist, the yeir of God 1574 yeris.

The xv day of Aguist, yeir of God 1574 yeiris, my sone, Duncan Cullen, departtit ouitt of Aberden to Dayneskin, in ane schip of Monross, Dauid Fowillarton schipar.

Johne Ewyne, burgis of Aberdene, was conwikytt for false coynze, and hayngitt, his heid cuttit fray his body, the xxvi day of Agwist, the yeir of God 1574 yeiris. Ewyne.

Maister Adem Herioitt, fyrst minister of the trew word of God in Aberden, departtit the xxviij day of Agwist, the yeir of God 1574 yeiris. Herioitt.

Janett Aquinlek, lady of Tiparty, departtit, in Aberden, the fowirt day Marche, the yeir of God 1575 yeiris. Aquhinlek.

Gardin. Janett Gardin, medwyfe in Aberdeen, departtit the xiii day of Marche, the yeir of God 1575 yeris.

Rolland. Dauid Rolland, burgis of Aberden, and chanter in the kyrk, departtit the xv day of June, the yeir of God 1575 yeris.

Gray. Gilbert Gray, ane of the pwirell of Aberden, departtit the xix day of June, the yeir of God 1575 yeris.

Watson. Johne Watson, belman of Aberden, departtit the xiij day of Aguist, the yeir of God 1575 yeris.

Lumisden. Margrett Lumisden, lady of Lesly, and doithar to Maister Robert Lumisden, bailye of Aberden, departtit, in the Garoiche, the xx day of Aguist, the yeir of God 1575 yeris.

Menzis. Issabell Menzis, lady of Dwirn, and spowiss to Johne Lowson, departtit the saxt day October, 1575 yeris.

Freser. Johne Freser, demster in Aberden, departtit the xxii day of October, the yeir of God 1575 yeris.

Chalmer. Maister Johne Chalmer, burgis of Aberden, and clayrk of the consistore in Ald Aberden, departtit the xxvi day of October, the yeir of God 1575 yeiris.

Strayquhen. Wilyem Strayquhen, sone to the Lard Glenkindy, departtit the xi day of Nowember, the yeir of God 1575 yeris.

Geddy. Johne Geiddy, sumtyme ane gray freir in Aberdeen, departtit the xx day of Nowember, the yeir of God 1575 yeris.

Isbell Lesly, doithair to John Lesly of Balquhain, departtit the fowrtt day of Februar, 1576 yeris.

Maister Olifer Panton, burgis of Aberden, ane of the consistore, departtit the xiii day of Merche, 1576 yeris.

Maister Theophelus Stuartt, maister of the gramer skwill of Ald Aberden, departtit the xx day of Marche, 1576 yeris.

Margrett Foularton, the spowiss of Rechart Elpheston, glaissen wrycht in Aberden, departtit the secund day of Aprill, 1576 yeris.

Edward Reid, warkman in Aberden, departtit the sext day of Aprill, 1576 yeris.

Marione Ronaldson, the spowiss of Mathow Gwill, swend slipar in Aberden, departtit the viij day of Aprill, the yeir of God 1576 yeris. Ronaldson.

The fyrst day of May, the yeir of God 1576 yeris, was say ewill, the woynd and weytt at the waist northt waist, with gryt schowiris of snaw and sleytt, that the lyik was nocht sene be theyme that was lefand in mone yeris afor say ewill. The ewill May day.

Johnne Fudes, Gillis Blak, John Munro, John Freeman, fischeris in Fuitde, cumand in on the bar, departtit the viii day of May, the yeir of God 1576 yeiris. Fudes.

Maister Johne Fulsurd, sumtyme ane quhitt freir in Aberden, and serwand to Thomas Menzis, prowest, departtit the xx day of May, the yeir of God 1576 yeris. Fulsurd.

James Sayng, trawelor in Aberden, departit the saxtt day of Julii, 1576 yeris.

On Munday, the thred day of September, the yeir of God 1576 yeiris, the beigin and thikin of the rwife of the northt yell of owr parrise kyrk, callit the Hailleblwid yill, was begwin be ane honorabill man, Alexander Cullen, bailye of Aberden, beand maister of the kyrk wark for the tyme; of the quhilkis yill thair was xvi cowipill pwitt owip and thikittit with leid the said moneth, that beand done for that yeir, Johne Craik beand wrycht, George Wscheartt, Rychart Elphiston, plumaris, and Andro Baillie bein maison. And the rest of the xvi cowpill was thikitt with leid the xix day of October, the yeir of God 1577 yeris, be the said Alexander Cullen, The northt yill.

maister of the kyrk wark, and pwitt on be George Wschartt, plummer for the tyme.

The northt jyll.

The rest of the north jyll was thikeitt all to fyf clayse of leid, and that be Alexander Cullen, maister of the kyrk wark, the said yeir aboue wryttin, at the command and expensis of the toune of Aberden.(1)

Menzis, prowest.

On Monday, the fyrst of October, the yeir of God 1576 yeiris, Gilbert Menzis, yowngar, sone to Thomas, was electit and choissin prowest for that instant yeir. Dauid Mar, Maister George Mydilton, Gilbert Colison, Robert Menzis, bailyis. Alexander Rolland, Gilbert Kyntor, Thomas Woid, Thomas Dikson, offeciaris.

On Furisday, the sewint day of October, the yeir of God 1576, it blow at the soithest of woynd and weytt, that the lyk was not sein in mone yeris afor.

Huntly.

On Setterday, the xx day of October, the yeir of God 1576 yeris, departtit ane honorabill man, George Erll of Huntly, Lord Gordon, with gryt lament of the countrey; and leyft his eldest sone, beyne of the aige of xvi yeris.

Huntly.

George, Erll of Huntly, departtit in Straybogy, the xx day of October, the yeir of God 1576 yeiris.

Mr. Alexander Anderson, wmquhell prensipill of the College of Aberden, beand excomunicatt contrayr the religione, and at the kyngis horne, departit the xxiij day of Januar, 1577.

Athoell. Argyll.

The vii day of Marche, the yeir of God 1577 yeris, begwith ane rebellione of the Lordis agaynis the Regentt, quha paist to Stirling, quhar the Kyngis grace was for the tyme, be the wayis of the Erll of Athoill and Argyill.

Chansler.

The xvii day of Marche, yeir of God 1577 yeris, Johne Lyone, Lord Glaymis, chansellar of Scotland, was slayne, in the towne of Stirwelyn, be the Erll of Craufurd.

(1) [This entry occurs under the year 1584.]

On Mondday, the xxiiij day of Marche, the yeir of God 1577 yeris, the Regentt James Erll of Mortone was dischargitt of the regentscip, be opin proclamatioune of the Kyngis letteris att the corse of Aberden, subscriwitt with the Kingis hand. Regentt.

John Bonar, trawelowr in Aberden, departtit the vi day of Aprill, 1577 yeris.

Wilyem Browin, dwell[and] onder Gilbert Menzis, elder, in Rochink, drownit at the Breig of Mareculter, and coyme [down] the watter to the Ness, and was buritt in Aberden, the xxi day of May, 1577 yeris.

Adem Donaldson, sawister, wes conwikit be ane assyse for the slaichter of Johne Tawiss, and wes heiditt the xxv day of May, 1577 yeris.

Marione Merschall, spowis of Alexander Myll, fidlar in Aberden, departtit the xiij day of June, 1577 yeris.

The xxvi day of June, the yeir of God 1577 yeris, Schir Johnne Colison, subchanter of Aberden, and wikcar of Aberden, maid consuedind, and ordinett Maister Walter Gordone, his procuratur, to demitt the said wiccaraige, in my Lord of Aberdenis hand, in faworiss of Walter Cullen, his eyme and reader of Aberden, to the said Walter and his facturis, reserwand the said wicarage, and haill profittis thairof, to the said Schir Johnne for his lyftyme. On the quhilkis the said Walter Cullen twik instrumentt in the handis of Maister Thomas Malison, notar, afor thir witnesses, Mr. John Robertson, Thomas Maueris, Alexander Gleig, with oderis diveris; and imidiatly thaireftir, on the said day, quhilk is the xxvi day of June, the said Maister Walter Gordone demittit the said wicarage, in my Lord of Aberdenis hand, be ane ryng; and thairefter, the said lord geyf the said Walter Cullen collacioun, be the said ryng on his fynger, in Alexander Chalmeris, youngeris, howise; ón the quhilkis the said Walter twik instrumentis in the handis of Master Thomas Malisone, and Maister Johne Robertsonis handis, befor thir witnessis, Maister Robert Lumisden, Maister Walter Gordone, George Knowis, Thomas Maueris, Wilyem Setton, Alexander Gleig, with oders diweris. Colison. Gordone.

John Robertson, dwelland onder my Lord Salton, peressitt at the Saynd ness, in the watter, sawand Alexander Myll, the sext day of Agust, 1577 yeris.

Wilyem Gordone, bischoip of Aberdene, departtit the saxt day of Aguist, 1577 yeris.

Menzis, prowest.

On Monday the 7 day of October, 1577 yeris, Gilbert Menzis wes choissin prowest for that yeir.

The namis of the elderis and deaconis ellectit and choissin be the kyrk and congregatione of Aberden, and inaguraitt be Maister Dauid Cunyngayme, bischoip of Aberden, the secund day of his prechin, quhilkis was the xiii day of October, the yeir of God 1577 yeris, and that for the sayd yeir:

Elderis.	*Deaconis.*
Robertt Menzis.	Androw Schevas.
Maister George Midilton.	Patrik Hunter.
Maister George Joniston.	Thomas Gray.
Alexander Ruderfurd.	Johnne Rolland.
Maister Robertt Lumisden.	Thomas Dwne.
Maister Patrik Ruderfurd.	Patrik Hay.
Gilbert Collison.	Dauid Fergeson.
Alexander Cullen.	Wilyem Loremer.
Alexander Chalmer.	
Wilzem Menzis.	
Gilbert Gray.	
Androw Brabener.	

The minister, Maister Johne Craig.
The reder, Walter Cullen.
The clayrk, Hew Herwe.
Gilbert Kyntor, officiar.

Cunyngayme, bescoip.

On Monenday the xi day of Nowember, the yeir of God 1577 yer, Maister Dauid Cunyngayme, sone to the lard of Cungngaymeheid, was consicratt biscoip of Abirden, in the said kyrk, be Maister Patrik Constance, biscoip

of Sanctandrowse, quha maid the sermond. Maister Johne Craig, minister of Aberden, Maister Andro Strayquhen, minister of [ ], collattraris, and that in presense of the haill congregatioune of Aberden, with oderis of the cuntre present for the tyme.

On Wedinsday the xiij day of November, the yeir of God 1577 yeiris, was sene at ewin ane blaissin starin, quhilk stuid in the wast, and continywat that nycht, to the gryt admeratioune of the pepill. Ane blaisin starne.

The xxvi day of Nowember, the yeir of God 1577, the schip callit the Felcone, perttening to Dauid Endiaoche, Androw Kyng, Androw Jaik, and Martin Howeson, brack at Hartilpwill, in Ingland, and loist her haill gwidis, with John Hay, marenell in Aberden, and his sone, and tway marchandis of Montrose.

The yeir of God 1578 yeris, was ane gryt daricht of all kynd of wittallis throicht all Scoitland, that the lyke was nocht sene in nay manis day afor. The meill wes sald for sax s. the peck, the aill for x d. the poyntt, the wyne for the best schaip, xl d. the poyntt; fysh and flaische was skaynt and der.

Maister Edward Menzis, sumtyme cheplane of the paryss kyrk of Aberden, departtit the xxv day of Februar, 1578 yeris.

On Twisday the xxv day of Marche, the yeir of God 1578 yeris, was say ewill ane day, of grytt woynd at the south wast and northt northt wast, quhilkis dyd grytt skayth on the kyrk and howissis in the towin, thatt the lyk was nott sein in monne yeris afor. The woyndy day.

ANE GODLIE BALLETT OF ANE SYNNAR CRYAND ON GOD FOR MERCE IN TYME OF TROWBILL.

O Lord, my God, of mercy kyng,
  Quhois trewcht doitt newir faill:
Thy gentell mercy doitt imbress
  Repenting sineris all;
Sen thow hes promest to forgyfe,
  Quhene on the we do call,

Haife g[race] to ws, we pray,
Nocht for ouir saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
Lord, towrn thy wrathe away.

And thocht ouir synis, monyfawld,
In nombir pas the saynd;
Yett is thy mercy mwche moir large
Thane we will onderstand;
Thairfor sene we thy wraichtit wychtis,
Befor the trembling staynd,
Haife grace to ws, we pray,
Nocht for ouir saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
Lord, towrn thy wrathe away.

Quhan that the pepill of Issarell,
With mwrnyng did repentt,
Thow did forgife thair wikitnes,
And no wais wald thayme schentt;
To ws thy mercy is no less,
In thy New Testement.
Haife grace to ws, we pray,
Nocht for ouir sakis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
Lord, towrn thy wrathe away.

Gyfe thow in jugmentt enter wald
With ws, thy serwandis pwir,
Thair swld no flesche in ertht be fund,
Thy jugmentt to induir;
Thairfor, in place thy jugmentt, Lord,
Thy mercy we procuir.
Haife grace to ws, we pray,
Nocht for owir sakis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
Lord, towrn thy wrathe away.

Thy swerd is drawin, thy bow is bentt,
  To plaig ws in thy ire;
Thy wrythe on ws is kiudlitt bauld,
  As hoitt consumyng fyr.
Hald wp thy hand, and spair ws, Lord,
  Maist hummelie we desyre.
      Haife grace to ws, we pray,
Nocht for our saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
  Lord, towru thy wrathe away.

Ower canritt natuir dois repyne
  To the, ouir gracious Gyd;
The fyltht of wikitnes and syne
  In ws do still abyd.
Bott sene thy merce is to weill
  Ouir nochtthenes to hyd,
      Haife grace to ws, we pray,
Nocht for ouir saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
  Lord, towrn thy wrathe away.

Manasses, Paull, and Maigdaling,
  War hewe synnaris wyld,
Yett quhene thay turnitt onto the,
  Thow did thair synnis exill.
Thy mercy hid thair wikitnes,
  Quhilkis did thayme so defeill.
      Haife grace to ws, we pray,
Nocht for our saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
  Lord, towrn thy wraytht away.

The bluid of thy dear Sone, ouir Lord,
  Was sched abunduntlie,
Nocht for the juist, bot for all sik
  As wikitt synnaris be,

And do onfenyitlie repentt,
  And turin with speid to the.
    Haife grace to ws, we pray,
Nocht for ouir saikis, bot for thy lufe.
O Lord, O Lord, O gracius Lord,
  Lord, tourn thy wraytht away.

Now, Lord, send thow does nocht delytt
  In mone wordis wayne,
Bott hes respek on to all syk
  As trublitt be with payne,
And do excep, of thy guidnes,
  The hartt that doctht nocht fayne,
    Haife grace to ws, we pray,
Nocht for ouir saikis, bott for thy lufe.
O Lord, O Lord, O gracius Lord,
  Lord, tourn thy wraytht away.
    So be it.

The xix day of June, yeir of God 1578, Archibald Dowglas, Erll of Awngous, com to Aberden with ane onest cumpanie.

Alexander Garioche, sone to Alexander Garioche, redar of Monegabow, departtit the sewint day of Julij, 1578 yeiris.

Parlimentt. The xv day of Julij, the yeir of God 1578 yeris, the kyngis grace held his fyrst parlament within the castell of Stirweling, with the thre estaitis, for the maist partt, beand precent for the tyme.

Wilyem Straiquhen, stabeler in Aberden, sittan in his howiss, the lowift fell on him and felt him, and he departtit the xii day of Aguist, 1578 yeris.

James Barclay, sumtyme cheplane of the paris kyrk of Aberden, departtit the fyrst day of October, 1578 yeris.

Menzis, Prowest. On Monday, the sext day of October, the yeir of God 1578 yeiris, Gilbert Menzis, sone to Thomas Menzis, was electtit and choissin prowest for

that instant yeir; Robert Moreson, Alexander Ruderfurd, Gilbert Gray, and Martine Heweson, bailyes; and that be the maist pairt of the woittis of the town. Bailyis.

The namis of the elderis and deaconis electitt and choissin be the kyrk and congregatione of Aberden, and inaguraitt be Maister Johne Craig, minister, the xii day of October, the yeir of God 1578 yeris:

Elderis.	*Deaconis.*
Marttin Howeson.	George Knowis.
Gilbert Gray.	Robbert Watson.
Gilbert Menzis, elder.	Johne Tulidefe.
Andro Bwik.	Alexander Reddoiche.
Andro Hunter.	Thomas Joniston.
Alexander Forbes.	Andro Kyng.
Thomas Rolland.	Johne Burnaitt.
Maister William Dauidson.	Gilbert Guythere.
Patrik Gray.	
Alexander Hay.	
James Spense.	
Dauid Anderson.	

The minister, Maister Johne Craig.
The reder, Walter Cullen.
The clayrk, Hew Herwe.
Gilbert Kyntor, officear.

The xiiij day of September, the yeir of God 1579 yeris, Maister Johne Craig, sumtyme minister of Aberdeen, departtit, with his wyfe and barnis and haill hoissell, owit of the said burght, and left his floik onprowyditt of ane minister, to be preschour to the kingis grace, as he allegit.

On Monday, the fyft day of October, the yeir of God 1579 yeris, Gilbert Menzis, sone to Thomas Menzis, was choissin prowest for that instant yeir; Robert Menzis, Alexander Ruderfurd, Gilbert Gray, Patrik Lesly, bailyies, and that be ane conway betuix the Lard of Balquhan and the said Gilbert Menzis, be gyfin of woittis of ather of thair freindis. Menzis, Prowest. Bailyis.

The names of the elderis and deaconis ellectitt and choissin be the kyrk

and congregatione of Aberden, and inaguraitt be Maister Dauid Cunnyngame, minister and bischoip of Aberden, the xviij day of October, the yeir of God 1579 yeiris:

Elderis.	*Deaconis.*
Robertt Menzis.	Andro Scheves.
Alexander Ruderfurd.	Patrik Hunter.
Maister Robert Lumisden.	Thomas Duwe.
Alexander Cullen.	Alexander Redoiche.
Alexander Chalmer.	Thomas Gray.
Wilyem Menzis.	Wilyem Loremer.
Alexander Forbes.	Dauid Ferguson.
Dauid Menzis.	Thomas Strayquhen.
Robertt Watson.	
George Knowis.	
Wilyem Menzis, younger.	
Dauid Anderson.	

The minister, [ ].
The reider, Walter Cullen.
The clayrk, Hew Herwe.
Gilbert Kyntor, officear.

David Endiachis boitt, callit the [ ], departtit and deitt, cumand out of Flanderis, at the Cokait Yland, in Ingland, with thir personis: Robert Raymsay, scipar, William Wmfray, Patrik Barcar, Richart Strayton, marnallis in Aberden, the xiiij day Nowember, 1579 yeris.

Alexander Innes, Lard of Crome, wes slayne, in Martin Howesone's howse, be the Lard of Enermarky, the xiiij day of Aprill, 1580 yeiris.

Alexander Menzes, yowngar, sone to Gilbert Menzes, prouest of Aberdein, was slaine be William Forbes of Portlethin, at the Loicht of Loirston, and departtit the xvi day of May, 1580 yeris.

The kyngis grace coyme to Dunnotter the xviij day of June, the yeir of God 1580 yeiris; and the fyrst tyme that I, Walter Cullen, reder of Aberden, sehit his graice, was the xx day of the said monett of June, 1580 yeris. and that at the woid of Fetteresso, he beand at the huntis with sertane of

his lordis; and thair eftir I paist to Dunnotter, fair I beheld his grace at his supar, quhill he paist to his chalmer; and thair efter his grace paist furtht of Dunnotter, the xxviij day of June, 1580 yeris, to Egaill.

Maister William Carmychell, maister of the gramer skwill of Aberdein, departit the penult day of July, 1580 yeris.

Wilyem Keyth, maister of Marchell, departtit the ix day of Auguist, 1580 yeris, in Dunnotter.

Maister Robert Dowglas, Erll of Buchane, departtit at the Myllis of Drwim, the xviij day of Aguist, 1580 yeris.

The xxvi day of Auguist, the yeir of God 1580 yeiris, thir personnis efter writtin teichitt in the kyrk, quha haid desyrit to haife beine maister of the gramer skwill of Aberden, and that be dissesse of Maister William Carmychill, presedent maister thair of; that is to say, Maister Thomas Moreson, Maister Alexander Freser, Maister Robert Wilyemson, Maister Wilyem Gray, Maister Thomas Carnigill; the saidis personis beand hard and tryitt be the clayrige present for the tyme; that is to say, be Maister Dauid Cunnyngayme, bischoip of Aberden; Maister Alexander Arbuthnott, prensepell of the College of Aberden; Maister Walter Stward, sub-princepell of the said College; Maister Thomas Burnett, commisser of Aberden; Maister Alexander Skeyne, adwocat afor the Lordis of the Sessione; and Maister John Skyne, his broder: the said office of the maister of skwill was adiugitt be the said clairge to be gewin to Maister Thomas Carnigill, as the best clayrk, and wordiest thair for; for the quhilkis the said Maister Thomas gaitt presentatione be the prowest, bailyeis, and consell of the said office of maister of skwill, the penult day of August, the yeir of God 1580 yeiris. Maister of Skuill.

The xx day of September, 1580 yeris, Dame Cristan Stuartt, Cuntas of Buchane, and spows to ane honorabill lord, Mr. Robert Dowglas, Erll of Buchane, departtit, in Alexander Cullens howse in Aberden, the day aboue writtin.

Edem Gordon, Lard Achindown, departtit, in Sanct Jonston, of ane bledin, the xxvij day of October, 1580.

The namis of the elderis and deaconis ellectitt and choissen be the kyrk and congregatione of Aberden, and inaguraitt be Maister Alexander Arbuthnoitt, minister and prensepall of the college of Aberden, the penwlt day of October, the yeir of God 1580 yeiris:

Elderis.	*Deaconis.*
Gilbert Gray.	Johne Burnett.
Gilbert Menzis, elder.	Thomas Joniston.
Alexander Chalmer, younger.	Dauid Ferguson.
Andro Hunter.	Thomas Straquhen.
Patrik Gray.	Dauid Carnigill.
James Spense.	Andro Brabener, younger.
Maister William Dauidson.	Arthour Chalmer.
George Straquhen.	Wilyem Jaik.
Wilyem Menzis, younger.	
Dauid Endiache.	
Patrik Hunter.	
Andro Schevas.	

Mariore Gordone, doithar to wmquhaill Wilyem, Bischoip of Aberden, departtit the xiiii day of Januar, 1581 yeiris.

The viij day of Fabruar, 1581, the craiftis men in Aberdein begwid to wswirp contray the burges of gild, thinkand to ocupe marchandrise, and that be the waes of sertten sediciowse craiftis men, quhay interprissit the sayme, quhilkis rassit the letteris on sertten and prensipell onest men to fynd lawborowse to thir personis; that is to say, Hew Johnston, George Elphistin, Arthour Hill, saidlaris; John Duncan, John Roray, John Barnis, James Woid, Alexander Paterson, Thomas Spensar, Dauid Watson, talyeowris; James Banerman, Alexander Ronaldson, John Towichte, James Wysman, baixteris; Thomas Cwick, John Dwichair, cordinaris; Patrik Hay, goldsmyth; Mathow Gwild, armorar; Andro Will, flaischair.

Prowest. Bailyis.

On Monday the secund day of October, the yeir of God 1581 yeir, Gilbert Menzis, sone to Thomas Menzis, was electtit and choissin prowest for the instant yeir. Robert Menzis, Alexander Ruderford, Alexander Cullen, Alexander Chalmer, bailyis. Alexander Rolland, Alexander Chalmer, John Smyth, Thomas Dikson, officiaris.

Lowrane Innes, pwir skollir in Aberdein, departtit the xxiii day October, 1581 yeris.

Grissell Aquinlek, Lady Coliston, departtit in Aberdein, the xxvii day October, 1581 yeris.

Maister Thomas Burnett, persone of Methelik, and commissar of Aberden, departtit in Ald Aberden, the xxiiij day of Fabruar, 1582 yeiris.

John Casse, pyper, departtit in Aberden, the xxvii day of Fabruar. 1582 yeris.

The ix day of Aprill, 1582 yeris, I resingnit my braid croift to John Cullen, my sone, and xviij merk of ffew maill of John Barbaris, and my howse that I dwell in to Alexander Cullen, younger; and my croft callit the Engell Well to Merget Cullen, my doithar, and Alexander Howeson, all on the rewersione of ane ressonabell. Alexander Chalmer, bailyie, Mr. Thomas Malison, Maister John Smyth off [ ].

Walter Innes, serwand to the Lard Glenkendy, was slayne in Aberdene, be ane John Jaik, and his bruder, callit James Jaik, dwelland in Buchan, and deitt in Aberdeen the viij day Julij, 1582.

[ ] Gordone, sone to George Gordone of Kyndroich, departtit the xii day September, in Aberden, 1582 yeris.

Alexander Keyth, sone to the Lady Towe, departtit in Aberden, the xii day September, 1582 yeris.

Maister Peter Blakburne, minister, coyme to Aberden the xxi day of Nowember, the yeir of God 1582 yeris, and prechitt the xxii day Nowember, in the paroche kyrk tharof, and resauit and admittit minister to the said towne and congregatione thairof.

William Walcar, sumtyme chaplane in paris kyrk in Aberden, and secrestar thairof, departtit the xxiij day Marche, 1583 yeris.

Watson.

The xv day of October, 1583, departtit Gilbert Watson, burgis of Aberden, quha wes baith most trewe and faythfull.

The prensepall of the College.

Maister Alexander Arbuthnoitt, prinsepall of the College of Aberden, and persone of Loge [Logie-Buchan], departtit the xvij day of October, yeir of God 1583 yeris, and was buritt in the pariss kyrk of Aberden, afor the pulpitt.

Wilyem Turyng, skollar in Aberden, departtit the x day of Januar, 1584 yeris.

Elisabetht Forbes, Lade Towe, and spowse to Thomas Menzis of Petfodellis, and prowest of Aberden, departtit the xxij day Januar, 1584 yeris.

Rechart Myll, hayngman in Aberden, departtit the xviij day of Februar, 1584.

Maister Duncan Forbes of Monemwisk, and bailye of Aberdein, departtit the xxi day Fabruar, the yeir of God 1584 yeiris.

In Aprill, yeir of God 1584 yeris, was ane gryt vproar betuix the kyng and his lordis; the hall cuntrey chargit to pass on the saidis lordis, quha was in Stirlin at the tyme; the borowis to furnes say mone men of weyr. Aberden furnest j^{c}, quhay departtit be se, the xxviij of Aprill, thair captan Thomas Car, and passit to Stirlyne.

Alexander Keyth of Owchorsk, was slayne in Aberdene, be the gudman of Babithan, John Chalmer, and departtit the vij day June, 1584 yeris.

Johne Collison, subchanter of Ald Aberdene, and ane of the chaplanis of the paris kyrk of Aberden, departtit the xxv day of Julii, 1584 yeris.

James Philp, sumtyme marenall in Aberden, was slayne be Dauid Robertson, tailyeowr in Aberden, and departtit the thred day of Awguist, 584 yeris.

Prowest. Bailyies.

On Monenday the fyft day of October, 1584, Gilbert Menzis of Petfodellis, was choissin prowest. Alexander Ruderfurd, Wilyem Menzis,

elder, Dauid Menzis and Alexander Forbes, bailyis; and Alexander Rolland, Alexander Chalmer, Thomas Dikson, Alexander Freser, Robert Garioche, officiaris, and for that instant yeir.

Anness Gray, the spowse of Maister Duncan Forbes of Monimwsk, and bailye of Aberdeen, departtit the twentty day of October, yeir of God 1584 yeris, and wes buritt in the pariss of Aberden, with hir forbearis. Gray.

Andro, Erll Eroll, and grytt constabell of Scotland, departtit the viij day October, 1585 yeris, in Slaniss.

William Gwill, sone to Mathow Gwill, armorar in Aberden, was slayne be John Lesly, sone to James Lesly, burgis of Aberden, and departtit the xij day of Nowember, 1584 yeris.

The namis of the elderis and deaconis ellectitt and choissin be the kyrk and congregatione of Aberden, inawguratt be Maister Pitter Blakburne, minister tharof, the 17 day October, 1585 yeris:

Elderis.	*Deaconis.*
Alexander Chalmer.	Martin Howeson.
William Menzis.	Thomas Forbes.
Alexander Forbes.	Alexander Ewin.
Alexander Ruderfurd.	Thomas Philip, younger.
Alexander Cullen.	James Joniston.
George Straquhen.	Thomas Fynne.
Dauid Anderson.	Patrick Gray.
Mr. Dauid Ruderfurd.	Edward Donaldson.
Alexander Hay.	
Mr. Thomas Malison.	
Andro Scherar.	
Mr. Thomas Cargill.	
Thomas Duwe.	

Maister Pitter Blakburne, minister
Maister William Lesk, exorter
Walter Cullen, reder.
Hew Herwe, clayrk.
John Smyth, officiar.

William Panton, elder, bruder to the Lard of Petmedane, departtit the xxv day of October, 1585 yeris.

Mare, Quene of Scotland.

Mare, Quene of Scotland, beand haldin in Inland be the spece of xviij yeir, or thair by, wes beheiditt in Fodringayme Castell, in Inland, be the Quene of Inland, the aucht day of Fabruar, in the yeir of God 1586 yeris.

Sir Thomas Car of Fernerst, knycht, departtit in Aberden, the xxx day of Marche, 1586 yeris.

John Gordone, and his wyfe, callit [ ] Ogiluie, with Mareone Lyone, spowis of Archbald Dowlas, dwelland in Ald Aberdein, and Kattrin Stewin, wes executt; that is to say, the said John Gordyne was hayngitt, quarterit, his heid putt on the Portt; the said wemen drunitt for the pusenyng of ane barne, gottin in adultre be the said Archbald Dowglas with Marin Arthour, in Ald Aberden. This execusione was the xxix day June, 1586 yeris.

Prowest and Bailyies.

The thred of October, 1586 yeris, Gilbertt Menzes of Petfodallis wes maid prowest of Aberden, not be the switt row, bot be the counsall and sertane commound wottis. Alexander Cullen, Dauid Menzes, Alexander Howeson, and Dauid Anderson, was choissin bailyes, and that be the switt rowe, ewery man gettin his woitt. Alexander Rolland, Thomas Dickson, Robert Gareoche, Thomas Kyng, officiaris.

John Lesly, aperand of Balquhane, coyme to Acthakaynt, in Buchane, thane partinand to Alexander Cullen, with Androw Lesly, Gilbert Lesly, his fader, breder, and oderis, to the nwmer of xx personis, and thair moist cruelly enwaditt the saidis Alexander Cullen bygyne, in strikin wp his yeittis, dwiris, kistis, and away takin of clayise, and birnyne of writtins, and slew and mwrdrest, onder nycht, Dauid Carill, serwand to the said Alexander, the laist day Marche, 1587 yeris. God to rewenge.

Elspat Gordone, Lade Schewes, departtit the x day June, 1587 yeris, in Aberden.

John Smyth, secristar of the kyrk of Aberden, departtit the penwlt day Julij, 1587 yeiris.

John Straquhen, Lard of Thornton, departtit, in Aberden, the xx day of August, 1587 yeris.

The secund day of October, 1587 yeris, Alexander Ruderfurd was nomenatt to be prowest, and that be the switt rowe, ewry man gettin his woitt, and sworin to byd at sayme; and thairefter the cunsall, be perswasioun of my Lord Huntly, was content with sertan of the commouds that Gilbert Menzes suld be continewitt in his office for that yeir allanerly. Dauid Mar, Maister Dauid Ruderfurd, Alexander Chalmer, George Gordone, bailyeis, that be switt rowe, Thomas Dikson, Thomas Kyng, Thomas Kelle, Dauid Robertson, and Alexander Rolland, officiaris. Prowest and Bailyeis.

John Keytht of Claikriak, was crwilly slayne in Aberden, at the Justice Portt, be Wilyem Gordone of Geycht, the secund day of December, 1587 yeris.

Johne Wschartt, cordinar, departtit the xviij day of Merche, yeir of God 1588 yeris, quha was slayne be James Paterson, hangman of Aberden, and the said James hayngit, and his heid sett on the Portt thairfor.

Wilyem Meldrum of Kylblein, departtit the xxij day of Aprill, in Aberden, 1588 yeris.

The laist day September, the yeir of God 1588 yeris, Maister Thomas Menzis of Dourne, was choissin prowest be the switt rowe, and that for that instantt yeir allanarly. Maister John Chyne, James Setton, George Strayquhen, Wilyem Menzis, balyeis, siklyk alenarly for that yeir. Dauid Robertsoun, Thomas Dikson, Thomas Kyng, Thomas Kelle, officiaris, and that conforme to ane actt maid thairon, with consentt of the prowest, balyeis, consell, and hall commownalte of the towne. Prowest. Bailyeis. Officiaris.

MORS CERTA, INCERTA DIES, INCERTIOR HORA. QUI SAPIT, ASSIDUE MORTEM MEDITETUR ET HORAM.

This warld our all
Turint as ane ball,

Quho clymmest hiast
Sorest sall fall.
Thairof, trust me,
For ever to indure,
In wardlie plesour,
I mak the suir
It may nocht be.

Ground the in pacience,
Bluid nocht thy conscience,
Do thi God reverence,
Thaukand him ay.

Preik the with deligence
To put away negligence;
Seik the with sufficiance;
This warld will away.

ANE GODLIE BALLETT TO ALL THAYME THAT IS PERSECUITT FOR GODIS WORD, WITH GRYTT CONFORTT OF THAIR DELIUERANCE.

Quho so do pwitt thair confydense,
  And tresitt jn me, with one acord,
To thayme I salbe ane defense,
  In tyme of neid, thuise said the Lord.
Gyfe thay stand styfly at my word,
  Fray plaigis gryt thay salbe fre;
Thoicht wikitt perise be the swerd,
  To myne ane buklar will I be.

Thoicht I did all the wardill distroy,
  Because the wickitt wald nocht mend,
Yet saifitt I my serwand Noy,
  And frome the fluid did him defend.
Quher Sodame maid ane wikitt end,
  I saiffit Loitht, as ye may se;

To wikitt thoicht grytt plaigis I send,
  To myne ane buklar will I be.

Thoicht Faro, with his gryt arme,
  Issarell to keill he did indend,
I leid thayme saifly throicht the se,
  And fray his oist did defend;
Quhar he maid ane mischewse end,
  Boycht he and all his cumpane.
Thairfor to all I maik itt kend
  To myne ane buklar will I be.

Thoicht wickitt Saulle and Absolone
  Dauiddis kyndome wald haue rentt,
I causitt him to ryng allone,
  And plaigitt thayme with punesmentt.
For Saullis bluid with swerd was spentt,
  And Absolone was hayngitt he;
Thairfor it is an ewidentt
  To myne ane buklar will I be.

Thoicht wickit Jessabell, the quein,
  Ellias bluid schow schoiritt to spill,
On hir grytt sworowe thair was sein,
  And I him saifitt frome her ill.
Horse oweraid hir att thair will,
  Doigis gnewe hir banis assuiritly.
Althoicht my serwandis suwer ill,
  To myne ane buklar will I be.

Thoicht wikitt Aman did wpsett
  A pair of gallowse lairg and layng,
Beliwyng swirly for to geitt
  Mordatheus thairon to hayng;
Yet I did saife him frome that thrayng,
  And Aman thairon was hayngitt he;
Thoicht my serwantis do suer wrayng,
  To myne ane buklar will I be.

Quhene Daneell was fair ouirthraune,
  In preson deip with lyones strayne,
To him thay did no thing bot faun,
  And likitt him with thair towngis layng.
Bott quhone his faiss come thayme amayne,
  Thay did dewoir thame crwelly;
Thowicht my serwanttis did suer wrayng,
  To myne ane buklar will I be.

Quhone Susanna was in poyntt of deid,
  To me schow did boytht call and cry,
Besoicht me for to sett ramaid,
  Thayne I did heir hir by and by.
Thay that acussit hir wrayngusly,
  Ane sehemfull deid I gairtt thame de;
Thoicht my serwanttis in presone ly,
  To myne ane buklar will I be.

Now ye that artt myne serwandis swir,
  And enteritt ar with me in baynd,
Ye knaw sum tyme ye stuid in fuir,
  In tynsall boychtt of lyfe and laynd.
For quhone gryt kyngis did yow gayne stand,
  And Sathane with his craiftis sley,
As thayne I saifitt yow with my hand,
  And so sall I yowr buklar be.

And thoicht that ye haife doine me serwe,
  Accordin to the law I sett,
Fra ye begin anis for to sweir
  Yowr rychttusnes sall be forgeitt.
Thayne I bwitt onne layngar leitt,
  Sall plaig yow for yowr inequitte;
Besydis the plaigis that ye sall geitt,
  No moir I sall yowr buklar be.

And thoicht I the wikitt thoill yow keill,
  And dolentt deid do yow dewoir;

This promess trew I mack yow till
A better lyfe I sall restoir.
To yow quhar that ye sall emploir
To ryng with me eternally,
Quhar ye sall dwell for ewirmoir,
Quhar ewir I sall yowr buklar be.
So be itt.

Johne Cadell, Lard of Aslowne, departtit in Aberden, the secund day Februar, 1589 yeris.

Johne Anderson, chantor in the kyrk of Aberden, departtit the xii day of Februar, 1589 yeris.

Gilbert Reid, Lard of Coliston, departtit in Aberden, the xxiiij day of Februar, 1589 yeris.

Thomas Maneris, pursewantt and serwand to the bischoip of Aberden, departtit the xiii day of June, the yeir of God 1589 yeris.

Ane lipar boy, in the Lipar Howiss of Aberden, departtit the xviii day July, 1589 yeris.

Wilyem Blakhall, of that Ilk, departtit in Aberden, the fyft day of Auguist, 1589 yeris.

On Wedinsday the x day of September, 1589, the King of Denmarkis doithar, callit An, wes maritt to James, Kyng of Scotland, in Elisinewr, be George, Erll Merschall, presentand the Kyngis persone; thairefter come owit of Denmark, arywit in Flokray, in Nowraway, and ramanit be the space of [ ] owikis; and on Freday the xxiiij day of October, 1589, the Kyngis grace maid saill owit of the Fyrthe to the Quein, beand in Noroway, with v schipis, accompanyt with iiij^c gentill men.

The saxt day October, 1589 yeris, Maister Thomas Menzies of Dorne was choissin prowest be say mone of the switt rowe, and that for that instantt year allanerly; and Alexander Forbes, John Collisoun, Thomas

Prowest. Bailyeis. Officiaris.

Menzis, yownger, Thomas Bwik, bailyeis, siklyk for that instant yeir; and Dauid Robertson, Thomas Dikson, Thomas Kyng, Thomas Kelle, officiaris, conforme to ane actt maid thairon.

The namis of the elderis and deacones electtit and choissin be the kyrk and congregatione of Aberden, and inaguratt be Mr. Pitter Blakburne, minister, the xix day of October, 1589 yeris:

Elderis.	*Deaconis.*
Mr. Thomas Menzes, prouest.	George Layng.
Alexander Forbes.	Robert Gray.
John Collisown.	Hendrie Forbes.
Thomas Menzis.	James Robertsoun.
Alexander Chalmer.	Thomas Forbes, younger.
Mr. Dauid Ruderfurd.	Thomas Forbes, elder.
Dauid Andersoun.	William Dowin.
Alexander Hay.	Edward Donaldson.
Andro Scharar.	John Banerman.
Mr. Thomas Cargill.	Robertt Sanderis.
Thomas Jonestoun.	Alexander Paterson.
Alexander Cruischank.	
John Nicolsoun.	

Maister Piter Blakburne, minister.
Walter Cullen, reder.
Hew Herwe, clayrk.
Alexander Rolland, officiar.

Isbell Lesly, Lady Petmeden, departtit in Aberden, the xiij day Nowember, 1589 yeris.

Besse Menzis, sumtym Lady Mair, departit the iij day of Februar, 1590 yeris.

Jonett Forbes, Lady Bawack, departtit the fyrst day Merche, 1590 yeris.

Patrik Meldrum of Achquhorty, departtit in Aberden, the xxvii day of Marche, 1590 yeris.

William Crawfurd, wmquhill Lard of Faderocht, departtit in Bamfe, the fyrst day of Aprill, 1590 yeris.

The xvi day Aprill, 1590 yeris, the schip of Aberden, callit the Colas, departtit of the roid of Aberden, furnoist be the town to pas to Denmark for conwoy of the kyngis grace hayme to Scotland. Alexander Forbes, bailyie and commissionar for [the] tyme, and Dauid Endiache in his compane, with xx merrenaris, furnist with artalare and oder nesessaris.

On Friday the fyrst day of May, the yeir of God 1590, the King James the Sext, with his Quene, callit An, doithar to the King of Denmark, landitt on the schoir of Leytht, at vij owris att evin, and ramanitt thair to the ix day of May; thaireftir passitt to Edinburgt.

On Sunday the xvii day May, 1590, An, Quhene of Scotland, wes [ ] in the Abbay of Hellerudhows. On Twesday tharefter, maid her entre in the town of Edinburght, and resauit with gryt [ ].

Barbara Card, wiche, was bryntt on the Hedownis Hill, the xviij day June, 1590 yeris.

Item. Ane man and ane woman of Fuitde drownit in the Poikray, the thrid day July, 1590.

Alexander Setton, yowng Lard of Meldrum, was slayne be William Kyng of Baracht, and his bruder, Dauid Kyng, and his complesis, at Barache, the xx day August, 1590 yeris.

The fyft day of October, 1590 yeris, Alexander Cullen was elektitt and choissin Prowest of Aberden for thatt instantt yeir, and that be the maist woittes of the haill towne. George Straqben, George Gordone, Dauid Anderson, Mr. Robertt Paip, bailyeis. Mr. Dauid Robertson, Thomas Dikson, Thomas Kelle, Wilyem Mychell, officiaris. Cullen, Prowest.

Thomas Herue, skollar in Aberdeen, departtitt the xxviij December, 1590 yeris.

On Monday, the viij day Februar, 1591 yeris, my Lord Murray was crwille mwrdrith, with sax of his compane, be George, my Lord Huntly, and Captan John Gordon slayne, and that before the Queens Ferre, in Fyiffe.

Patrick Stuartt, sone to the Lard of Boig, departtit the xxij day of Februar, 1591 yeris.

[ ] Dowglas, Erll of Angus, departit owt of this present lyffe, in Glenberne, the fyrst day of Julij, 1591 yeris.

On Thurisday, the xvii day Septeuber, 1591 yeris, my sone, John Cullen, departtit owit of Aberdeen to Edinburght, to remayne with ane onest man, callit Georg Lokwert, burgis of [ ].

Prouest, Bailyeis, and Consall.

The thred day of October, yeir of God 1591 yeir, the ald consell chesitt the new; that is to say, Patrik Gray, elder, Robertt Menzis, elder, Mr. Robert Chalmer, James Menzis, Robertt Malison, Robertt Watson, Mr. Wilyem Anderson, Thomas Dywe, Martin Howeson, Mr. Thomas Lesly, Dauid Ferguson, and thairto was adionit of the ald consall Mr. Thomas Menzis, sometyme prowest, Alexander Cullen, laitt prowest, Dauid Menzis, elder, and the said consaleouris, ald and new, electit Alexander Ruderfurd, prowest; John Collesin, Dauid Menzis, elder, George Knowis, Mr. Rychartt Irwyng, balyes; Dauid Robertson, Thomas Kelle, Thomas Dikson, Wilyem Mychell, officiaris, and that, for that instant yeir allanarly, conforme to the acttis of parliment.

The namis of the elderis and deaconis ellectit and choissin be the kyrk and congregatioune of Aberden, and inauguratt be Mr. Piter Blakburne, minister, the xvii day of October, 1591 yeir:

Elderis.	*Deaconis.*
Alexander Ruderfurd, prouest.	Thomas Forbes, yowngar.
John Collison.	Alexander Anderson.
George Knowis.	James Robertson.
Thomas Menzis, yowngar.	Alexander Cruischank.
Wilyem Menzis, elder.	Patrik Gray, yownger.

Elderis.	*Deaconis.*
Alexander Forbes.	Alexander Keymp.
Mr. Dauid Ruderfurd.	George Leyng.
Alexander Hay.	Thomas Strayquhen.
Dauid Menzis, yowngar.	John Banerman.
Mr. Thomas Malison.	Andro Dayrg.
Hendre Forbes.	
Mr. Thomas Cargill.	
Thomas Duwe.	
Thomas Jonston.	
John Nicolson.	

Bischoip Dauid Cunyngame, minister.
Maister Pitter Blakburne, minester.
Maister Robertt Howe, minister.
Walter Cullen, reder.
Hew Herwe, clayrk.
Alexander Rolland, officiar.

On Monday, the xxvij day December, 1591, my Lord Boidwall, with sartin his complessis, to the nomar iij^{xx} of men, coyme to the Kingis grace chalmer dwir, at evin, with for hameris, and straik at the saym, and viij of the complesis takin, and was haynhit on the morne.

The namis of the elderis and deaconis ellectit and choissin be the kyrk and congregatione of Aberden, and inawguratt be Bischoip Dauid Cunyngayme, minister, the 7th day of Januar, 1592 yeris.

Elderis.	*Deaconis.*
Thomas, Menzis, prowest.	Alexander Burnett.
William Menzis, elder.	Alexander Joffray.
Mr. Patrick Cheyne.	John Layng.
Wilyem Gray.	Gilbert Guthere, yowngar.
George Forbes.	Arthour Dauidson.
Alexander Cullen.	Robertt Gray.
Alexander Ruderfurd.	John Kyng.
John Collison.	Robertt Kelo.
George Straquhen.	Andro Forbes.
Robertt Menzis, elder.	Andro Watson, wrycht.

Elderis.
Martin Howeson.
Thomas Gray.
John Tulidefe.
Wilyem Jak.
Andro Scheras.
Dauid Cargill.

Deaconis.
Dauid Watsoun, talyour.
Sande Steuin, baxter.

Bischoip Dauid Cunyngayme, minister.
Mr. Piter Blakburne, minister.
Mr. Robert Howe, minister.
Walter Cullen, reder.
Hew Herwe, clayrk.
Alexander Rolland, officiar.

Forbes. Ane honorabill man, William Forbes of Towquhone, departtit this presand lyfe, the xvii day of Februar, the yeir of God 1595 yeiris.

Ane meditatioune concernyne the hewenly kyngdome and this erthly tabernacle of our mortalite, collectit and writtin be me, Walter Cullen, wicar and reder of Aberden, to staynd as my last will and desyr, the fyrst day of October, 1584 yeiris:

That kyngdome cristiall cleire,
  That wardill quhilkis wantis end,
Quhar dwellis a God, quhois hand frome harme
  His choissin doitht defend,
Parpetull is and swir,
  And ewir moir doitht last.
On that sayme wardill let wss our thoichtis
  And cogitationis caist.

Thair, reweris rwine of lyffe,
  Heir, standin pwillis of mwid,
The taist quharof infectis the sawll,
  And poysonis fless and blwid.

Thair, fwid of lyfe anewcht,
  Heir, hunger, threst, and cauld ;
Thair, yowithe for ewir floresin,
  Heir, feibill aige and ald.

Thair, melode and myrthe,
  Heir, mesare and mone ;
Thair, endles joy ; bott heir anoy,
  And grypnis till we groyne.
Thair, ewir lestin lycht,
  And gloreus glistrin day ;
Heir, fulsum froigis, and dargsum nycht,
  And all thingis that decay.

Thair, syning on his seate,
  Sittes Jesus Crist the sonne ;
Here, Sathan, roring lion like,
  From place to place doth rune.
Thair, wertues tent is pecht,
  Here, wices lodging lyes ;
Obedience there, rebellion here,
  No duelling doth despise.

Thair, lufe and faer of God,
  Here, blaspheme abondis ;
Thair, faith and truth ; but here deseit,
  Gwid daling quhilk confundis.
Thair, Sion Hill is siene,
  Quhar perfect plesure sprinis ;
Here, dongeonis deipe and damnable,
  Quhilk death moast bitter bringis.

Thare, all thingis full of blisse,
  Heir, nothing ellis butt wo ;
Thare, no conseitt of carefull thouth,
  Bott heir its nothing so.

Now, than, deir Cristians all,
  Behald, as in ane glas,
Quhow far the wardle quhilk is to cum,
  This presentt wardle doithe pas.

Exemein quhat is said,
  And quhat may spokin be,
And laitt affectionis of the spritt,
  According work in the.
Say thane, with blessitt Paull,
  In spritt I do desyr,
Dissolwit to be, and on to Crist,
  In hevanis heicht inpyr.

III.

ACT

FOR DELYVERIE OF DEAD BODIES TO THE COLLEDGE OF ABERDENE.

M.DC.XXXVI.

ACT FOR DELYVERIE OF DEAD BODIES TO THE COLLEDGE OF ABERDENE.

M.DC.XXXVI.

Apud Edinburgh, primo die mensis Aprilis, 1636.

Anent the supplicatioun presented to the Lordis of secret Councell, be Mr. William Gordoun, doctour and proffessor of medicin in the vniversitie of Aberdene, makand mentioun, That quhair it is the custome of other famous vniversities quhair medicin is taught, that the magistrats of these cities are obliged everie yeere to present tua bodies of men, and tua of weomen, to be publictlie anatomized: And now, sieing the supplicant is appoynted to teache medicin and anatomie, and hes excercesed the students sufficientlie thir tua yeeres bigane in the dissection of beasts, humblie desiring thairfore the saids Lords to give command to the sheriffs, provests, and baillies of Aberden and Bamff, in maner and to the effect vnderwritten, lykeas at more lenthe is conteaned in the said supplication: Quhilk being red, hard, and considerit be the saids Lords, and they findeing the desire thairof to be reasonable, thairfore the saids Lords gives and grants warrand and direction, be thir presents, to the sheriffs, and provest, and baillies of Aberdene and Bamff, to delyver to the said supplicant tua bodies of men, being notable malefactors, executte in thair bounds, especialie being rebells and outlawis; and failzeing of thame, the bodies of the poorer sort, dieing in hospitalls, or abortive bairnes, fundlings, or of these of no qualitie, who hes died of thare diseases, and hes few freinds or acquaintance that can take exception, and this be the approbation of the bishop of Aberdene, chanceller of that vniversitie, and one of his Majesties privie councell, who

may caus vse the said warrand with suche moderatioun and discretion as nather the vniversitie may wrong anie man of qualitie, nor be impedit be anie evill disposed persons, without a lawfull caus and entres.

IV.

DECREET OF SPULZIE.

JOHN OGILVY OF STRATHERNE, AND MR. JAMES OGILVY, COMMENDATOR OF DRYBURGH ABBEY, HIS TUTOR,

AGAINST

LAUCHLANE MACINTOSH, AND OTHERS.

M.D.LXXI.

DECREET OF SPULZIE.

JOHN OGILVY OF STRATHERNE, AND MR. JAMES OGILVY, COMMENDATOR OF DRYBURGH ABBEY, HIS TUTOR,

AGAINST

LAUCHLANE MACINTOSH, AND OTHERS.

M.D.LXXI.

James, be the grace of God, King of Scottis, To our shirrefis of Inuernes, Elgin, and Foress, and thair deputis, and to our louittis [ ], messingeris, our shirreffis, in that part, coniunctlie and seueralie, speciale constitut, Greting: Forsamekill as it is be the lordis of our counsale decretit and deliuerit that Lauchlane Macintoshe of Dunnachtane, Doule More M'Gillecallum, Ferquhard, his sone, Robert Stewart of Clavalge, Huchoun Ross of Kilrawok, Henry Dolace of Contray, Walter Ross of Kinstary, and Donald Glasche Macintoshe, hes done wrang, in the masterfull destructioun and doun casting, counsale, help, and assistence gevin thairto, of the Houss of Petty, callit Halhill, within our shirrefdome of Inuernes, pertening to umquhile Williame Ogiluy of Stratherne, Knycht, and now to Johnne Ogiluy, his sone and are, and als hes done wrang in the masterfule spoliatioun and away taking fra the said vmquhile Williame, and withhalding fra him, his said sone and are, his men, tenentis, and seruandis, of thir gudis vnder writtin, spulzeit and takin be the saidis personis furth of the said vmquhile Williamis houss and place of Halhill, and landis pertening thairto. And thairfor it is ordanit be the saidis lordis that the saidis personis restore and deliuer the samin gudis agane to the said Johne Ogiluy, as are forsaid, and to ane venerabill Fader in God, Maister James Ogiluy, commendatar of our abbay of Driburgh, his tutour, of the prices, as eftir followis: That is to say, ane stand bed of carvit werk, price x merkis; viii stand beddis of fyr, price of the pece xi s.; viii score of sawin burdis of fir, price of the pece ii ss.; lx burdis of ayk, price of thame thre pundis; i^e gret gestis, price of the pece vii ss.; tua

chieris, carvit, price of the pece xl ss.; ane lang sadill of estland burd, price vi merkis; viij stulis, price of the pece iiij ss.; ane barrell of saip, price xl ss.; tua chieris, price of the pece viij ss.; xx paire of irne tangis, price of the pece xx d.; ane gavelok of irne, price xx ss.; ane querrell mell, tua pikkis, ix wegeis of irne, price xx ss.; xxiiij massonis irnis, price xl ss.; tua thowsand candellis of talch, price of the pece ourheid iij d.; tua candill kistis, price xiii ss. iiij d.; thre gwnis, price of thame xl lib.; ane barrell of gunpowder, price x lib.; ane pare guardivianis, price iiij lib.; tua hale stand of dornwik small napry, with xii sheriotis, price viij lib.; viij hale stand of napry, of bertane clayth, with iiij dosane of sheriotis, price of the stand xl s.; viij stand of gret napry, with sheriotis concordant thairto, price of the stand xx ss.; xxiiij halbertis and axis, price of the pece vi s. viij d.; xii Jedburgh stavis, price of the pece v ss.; xv hand bollis, price of the pece vi ss. viij d.; x dosane of arrois, price of the dosane iiij ss.; xvi pare of splentis, price of the pare xx s.; iiij jakkis, price of the pece vi merk; viij selletis, price of the pece xx ss.; viij stele bonnettis, price of the pece vi s. viijd.; j^c xl elnis of lynning clayth, price of the eln xvi d.; xl serkis of lynning clayth, price of the pece ourheid v ss.; x elnis of wollin clayth, price of the eln ij ss.; wollin yarne estimat to the quantite of ij^c elnis of clath, price of the eln xviii d.; four doubletis of worset, price of the pece xl ss.; ane doublet of satin, price iiij lib.; xii fustiane doubletis, price of the pece x s.; xii doublettis of leddir, price of the pece vi ss.; xvi pare of quhit hoiss, price of the pece vi ss. viij d.; four pare of blak hoiss, and vthyr colour, price of the pece x ss.; xvi bonettis, price of the pece viii ss.; xxvi kirtillis and govnis for women, price of the pece xii ss., with barnis serkis and vthyr gere extending to xx ss.; and xl ss. vsuale money of our realme; viii pare of doubill solit schone, price of the pare ii ss.; xviii swerdis, price of thame xviij merkis; four irne rakkis of spetis, price of the pece xii d.; vi irne ladillis, price of the pece xii d.; four eill crukis, price of the pece vi d.; vi girdillis, price of the pece vi ss.; v bakin stulis, price of the pece vi ss.; four maskin fattis, price of the pece x ss.; vii gile fattis, price of the pece vi ss. viij d.; xvi standis, price of the pece xxx d.; thre dosane of Hamburgh barrellis, price of the pece iii s.; xxiiij tubbis, price of the pece xii d.; xvij pipis, price of the pece vii ss.; x hogheidis, price of the pece iiij ss.; tua caissit girnalis for mele, price of the pece iiij merkis; xii murray girnalis, price of the pece x ss.; v punchionis of Allacant, Bastard

Muscade, and Caprik wyne, price of the tun xx lib.; xxxix bollis of mele, price of the boll ix ss.; lv bollis of malt, price of the boll xiii s. iiij d.; v bollis of threschin quhete, price of the boll xviij ss.; v salt mertis, price of the pece xvi ss.; tua fresche martis, price of the pece xvi ss.; four slane muttoun, price of the pece iij ss.; four gret schrynis, price of the pece xvi ss.; ane gret Flandres schryne, price xl ss.; xii vther kistis, price vi ss. viii d.; four pepper quernis, price vi ss. viii d.; x salt hidis, price of the pece vi ss.; xxx bollis of small salt, price of the boll vi ss. viij d.; xii bollis of gret salt, price of the boll xvi ss.; tua hundreth herd killing, price of the hundreth xl ss.; ane hundreth herd scat, price iij lib.; tua gret dosane of pewdir veschel, price of the dosane viij merkis; tua half galloun stopis of tyn, price of the pece tua merkis; tua quartis of tyn, price of the pece xiij ss. iiij d.; ane pinte of tyn, price v ss.; ane chopin of tyn, price xxx d.; xii half galloun stopis of tre, price of the pece xii d.; xviij quartis of tre, price of the pece vi d.; lx irne hekkis, price of the pece viij d.; xx fut spadis, pryce of the pece x d.; tua dosane of pete spadis, price of the pece vi d.; ane dosane of hewin axis, price of the pece xvi d.; xij wommillis, price xii ss.; xxiiij pleuchis, with thar zokkis, cultar sokkis, and othyr pertinence, price of ilk pleuch with the pertinence, x ss.; xxviij wedgis of irne, price of the wedg iiij ss.; xx sleddis, with quhelis, price of the pece xxxii d.; xxvij cuppill of harrois, price of the cuppill xii d.; xxvi laid sadillis, price of the pece ii ss.; xliij sekkis, price of the pece iiij ss.; viij canvess, price of thame viij merkis; viij ridin sadillis, price of the pece x ss.; xviij womennis courcheis, price of the pece iii ss.; viij score of stanis of chess, price of the stane iii s.; xl stanis of butter, price of the stane, v ss.; xviij mete burdis, price of the pece iiij ss.; xxxii formis, price of the pece ij ss.; xxxii treslis, price of the pece xii d.; ane gret bell, price ij merkis; tua abbis, with chessabillis, and all grayth pertening to the altar for saying of mess, price of all, xx lib.; xvi horssis, price of the pece sex merkis; ix trein firlottiis, price of the pece ii ss.; x trein pekkis, price of the pece viij d.; xxxvi riddillis, price of the pece iiij d.; xvi sevis, price of the pece xii d.; j^e^ pare of irne bandis, snekkis, and platis for durris and windois, of costlie werkis, price x lib.; ane gret study of irne, price v merkis; tua gret almerris, four small almerris, tua bellesis, with all vthyr grayth pertening to ane smyth, price x merkis. The quhilkis gudis aboue writtin pertenit to the said wmquhile Williame his men, tenentis, and seruandis, and war masterfullie spulzet and

away takin be the saidis personis furth of the said place and houss of Halhill, and landis pertening thairto, like as wes clerlie previt befor the saidis lordis: And als be thame decretit and deliuerit, that the saidis personis sall content and pay to the said Johne, as are forsaid, and his tutour, the soum of v^c lib. vsuale money forsaid, for damnage and skayth sustenit be the said wmquhile Williame, throw the wranguus and masterfull destructioun and doun casting of the houss of Petty, callit the Halhill, pertening to the said vmquhile William, and now to the said Johnne, as are forsaid, as wes inlikewise clerlie previt befor the saidis lordis, and inlikewise it is be thame decretit and ordanit that the saidis personis sall content and pay to the said Johne, and his tutour forsaid, thir proffittis, vittalis, and grassumis, eftir following, quhilkis the said vmquhile Williame, his air, and his said tutour micht haue had of the landis vnderwrittin, gif thai had bene sufferit be the saidis personis to haue lauborit the samin peciabilly with thair avin gudis: That is to say, the landis of Petty, Brauchly, Stratherne, Rategeddes, and the Mone, in the yer of God j^m v^c and xvi yeris, extending to tua chalderis aitis, being estimat to the thrid corne, price of the chalder, vi merkis; lx chalderis of bere sawing, estimat to the ferd corne, price of the chalder, x merkis; the gerss of soumis of catall, nolt, schepe, hors, and vthyr gudis, price of ilk soumes gerss, ii ss., becaus the saidis personis, be force and violence, stoppit the said vmquhile Williame from occupatioun, and vsing of the saidis landis, like as wes sufficientlie previt befor the saidis lordis, as at mar lenth is contenit in ane decrete gevin be thame thairvpon. Our Will is herfor, and we charge yow stratlie, and commandis, that incontinent thir our lettres sene, ye pass, compell, and distrenze the saidis personis thar landis, and mak penny of thair reddiest gudis, and failzeing of thar mouabill gudis, that ye apprise thair landis eftir the forme of our act of parliament, to the avale of the saidis soumes of money, vittalis, and gudis aboue [writtin], and mak the said Johne Ogiluy, as air forsaid, to be fullelie content and payit therof but dilay, and his said tutour, in his name, eftir the forme of the said decrete, as ye will answer to ws thairwpon. The quhilk to do we commit to you, coniunctlie and seueralie, our full power be thir our lettres, deliuering thame be yow, deulie execut and indorsat, to the berar. Gevin vnder our signet, at Edinburgh, the xxiij day of Marche, and of our regnne the ferd yer.

Per decretum dominorum consilii,

J. CHEPMAN.

V.

THE KINGIS LETTRES,

COMMANDAN THE ERLE OF MURRAY, LEIVTENENT, TO PASS VPOUN THE CLANHATTAN AND BAGENACHT,

FOR TO DESTROY THAME ALVTHERLIE.

M.D.LXXXIII.

THE KINGIS LETTRES,

COMMANDAN THE ERLE OF MURRAY, LEIVTENENT, TO PASS VPOUN THE CLANHATTAN AND BAGENACHT,

FOR TO DESTROY THAME ALVTHERLIE.

M.D.LXXXIII.

James, be the grace of God, King of Scottis, To our shirreffis of Kincardin, Abirdene, Banf, Elgen, Fores, Narne, and Inuernyss; and to our derrest bruthir, James, Erle of Murray, our lieutenant generale in the north partis of our realme, and to our louittis consingis [ ] Erle of Suthirland; Alexander, Maistir of Sutherland; Johne, Erle of Cathnes; Johne, Lord Forbes; Hew, Lord Fraser of Lovet; Johne Grant of Freuchy; Ewin Alansone, capitane of the Clan Cammeroun; Johne M'Kainze of Kintaill; Wellem Chesholme of [ ] Vrquard, our shirref of Cromerty; Johne M'Ky of Strathnaver; and all vthiris, frehaldaris, baronis, capitanis of Clannys, and gentilmen, oure trew liegis, within our shirefdomis and boundis abouewrittin, oure shirreffis, in that parte, coniunctlie and seuerallie, specialie constitute, Greting: Forsamekill as Johne M'Kinla, Thomas Makkinla, Ferquhar M'Kinla, brethir, Donald Glass, Anguss Williamsone, his bruthir William, Lauchlane M'Kintoschis son, throcht assistance, and fortifying of all the kin of Clanquhattane, duelland within Baienach, Petty, Brauchly, Strathnarne, aud vther partis thairabout, committis daly rasing of fire, slauchtir, murthur, heirschippis, and waisting of the cuntre, sa that oure trew liegis in thair partis about thaim may nocht leif in peace, and mak ws seruice. And in speciale, the saidis personis and thair complices hes cumm laitlie to the landis pertening to James Dunbar of Tarbert, in the Bray of Murray, and thair hes rasit fire, slane, and murtharit vj men and twa wemen, and mutilate vthir v men, and maid plane heirschip of nolt, scheip, hors, gait, swyne, cornis, and jnsycht gudis, layand the land waist, and makand depopulation of the cuntre, and tendis in contemption of oure autorite to ourthraw all landis about thaim with thair maisterfull oppressioun, heirschippis, and destruc-

tion, and suffir na man to brouk landis that thai may wyn to, and will na wayis obey to oure lawis. And we and oure consale avisitlie considerand the grete harmys and contemptionis done be the said kin of Clanquhattane, and thair assistaris, aganis the commoun wele, hes concludit and determit to mak vtir exterminatioun and destructioun of all that kin, thair assistaris, and parte takaris. And thairfore it is our will, and we charge straitlie and commandis yow, our said lieutenent, and shirreffis foirsaidis, and your deputis, and vtheris, our shirreffis in that parte aboue exprimit, that incontinent thir oure lettres sene, ye pass all at anys, or as ye may cum to, as salbe ordourit be yow, our said lieutenant, with all your powaris and convocatioun of our liegis in thai partis, in feir of weir, vpon the said Clanquhattane, and invaid thame to thair vter destructioun, be slauchtir, byrning, drowning, and vthir wayis; and leif na creatur levand of that clann, except preistis, wemen, and barnis. And that ye tak to your self, for your laubouris, all thair gudis that may be apprehendit, and hald the samyn to your avne vse; and thair attour ye sall haue reward of ws for your gude seruice in the premissis. And gif ony personis assistis to thame, that is nochte of thair kin, or takis thair parte, that ye invaid thai assistaris, in lykewyse as the principale, to thair vtir destructioun. For the quhikis inuasionis, slauchteris, birningis, taking of gudis, or vthir skathis, done or to be done vpon the said Clanquhattane, or thair assisteris, thair sall neuir actioun nor cryme be impute to you, nor vtheris, our trew liegis, doaris, or committaris thairof; nor accusatioun, nor restitutioun follow thairupon in the law, nor by the law, in tyme to cum. Bot all schairpnes done and to be done vpon thame salbe haldin and repute lauchfull and richtuuslie done, be command of ws and oure consale, for the common wele of oure realme; and als that ye tak the wemen and barnis of the said clan to sum partis of the sey, nerrest land, quhair schippis salbe forsene on our expenssis, to saill with thame furth of our realme, and land with them in Jesland, Zesland, or Norway; becaus it wer inhumanite to put handis in the blude of wemen and barnis. This ye do, and ilkane of yow for your awne parte, as ye lufe the commoun wele of our realme, and will haue thank of ws thairfore and ansueir to ws thairvpoun. The quhilk to do we committ to yow, coniunctlie and seueralie, our full powar be thir our lettres. Gevin vnder our signete, at Edinburgh, the x day of Nouember, and of our regne the xvj yeir.

Ex deliberatione dominorum consilii, &c.

J. CHEPMAN.

VI.

A BRIEFF ACCOUNT

OF THE WATCH UNDERTAKEN BY CLUNY MACPHERSON.

M.DCC.XLIV.

A BRIEF ACCOUNT

OF THE RISE AND PROGRESS OF THE WATCH UNDERTAKEN BY EVAN MACPHERSON OF CLUNY, ESQUIRE,

IN THE YEAR 1744,

FOR THE SECURITY OF SEVERALL COUNTRYS IN THE NORTH OF SCOTLAND FROM THIFTS AND DEPREDATIONS.

As the generality of the Highlands of Scotland, and of the countries adjacent to them, have for severall years past been greatly oprest by many wicked ganges of lawless thives and robbers, inhabitants of the remote Highlands, who steal, or most audaciously rob, ther horses and cows; and as the countrie of Bedenoch, in particullar, lyes adjacent to the severall countries where these ruffians have there residence, great numbers of its inhabitants have by them been intyrly ruened and reduced to beggarie. The gentlemen of that countrie made severall attemps to obviat this evil, by a watch at there own expence, but as that countries was not able of itself to raise such a fund as would suport a sufficient number of men for its protection, these watches turned out to be of litle or no service.

Therupon they did frequently in by past years apply to Cluny, on whoes inclination and capacity to protect them they greatly relyed, offering him for doing his endeavour to save them as much encouradgement as they could afford to give any other who would becom lyable for ther losses; to which Cluny honestly answered, that as he had no reasonable prospect of protecting them with the small funds the country of Bedenoch could afford, he would not pick ther pockets by pretending to do them that service he was not capable of.

That country therafter suffered most incredible losses; some possessions who did not exceed £15 sterling yearly rent, haveing been damnadged by theft no less then £100 sterling. Nor was ther any prospect of reliefe, till at a generall meeting of the gentlemen of that countrie, in March last, Cluny was most strongly and earnestly pressed to undertake ther relief;

they fully evidenceing to him that unless they were imediatly supported, they would be quite ruened, and there countrie layd west, and that his friends and neighbours in severall of the adjacent countries were like to rune much the same fatę. Cluny, deeply affected with the miserable circumstances of the countries, told the gentlemen that without his Majesty would protect them, he could see no mean for there relief but one, viz. a conjunction of all the neighbowring opprist countries towards makeing a sufficient fund for setting up a stronge watch for the mutuall security of them all; and that if after the proper intimation were made for finding ane undertaker in the neighbowring countries, who would becom layable for the losses of all such as would contribute, no other person would be found to undertak, on whoes security the countries could depend; in that case (and that only), for the want of another proper undertaker, he would himself becom bound and undergoe the payment of what losses these of the conjunction would happen to sustaine: the gentlemen did unanimously aprove of the proposall, and caused mak this intimation; yet as a multitude can never be got of on mind, and have allways different byasses wherby they will not unite in any thing, though tending wastly to all there interests, severall considderable persons who were used to suffer by thefts and depredations abstracted themselves and ther people from the sckame. However, as no other person was found for the relief of the countries, Cluny, in persuance of his generous intention, gave his oblidgation to pay the contributers whatever damnadges they would happen to sustaine during his undertaking, though the funds were evidently so small as that he behoved to be out of pocket, without the least prospect of advantage, other then the generall wellfare of his distrest countrymen. He set out his men on the tunty-second of May last, 1744, whom he pickd out honest, and everie way adapted to there chairge, and regularly stationd them on such passes and inlets through which the thievish sett used to make there incursions, giveing them most strict orders that these passes shuld be punctually travelled and watched night and day, for keeping of, intercepting, seiseing, and imprisoning the villans, as occasion offered, and as strictly forbiding and dischargeing them to act less or more in the ordinary way of other undertakers, who instade of suppressing thieft, do greatly suport it, by currying the favour of the thieves, and gratifying them for there diverting of the weight of thieft from such parts of the countrys as pay the undertaker for there protection, to such parts as doe not pay them.

This most wicked though constant practise of other undertakers, differs from Clunys method, who cuts at the root, and studies the intyre extirpation of the hellish trade, not suffering the thieves on any pretext to pass or repass even to or from those he's not bound to protect.

The thieves finding themselves so strictly hemd in, that though they were starveing at home, they durst not adventire abroad to rob or steall in any way formerly practised, divised a new way against which they knew Cluny could not have been guarded. They stoll a parcell of cows from a town in Strathnairn, and, instead of driveing them by land as usuely, they ferried them over Lochness by boats; however, Cluny hase in this detected them, whereby the goods may be recovered, and the villains prosecuted. But this new device of the thieves subjects Cluny, who was formerly too much out of pocket in his generous undertakeing, to the additionall and unexpected expence of guarding the many boats of Lochness, which is tunty-four miles longe.

The danger of thift is now over for this season; and, except the few cows above mentioned, which will be recovered, there has not been, since Clunys undertakeing, one cow or hors stolen in the bound of his district; whereas in former years some thousand pound sterling wond not pay ther yearly losses. There has, indeed, been severall attempts of caricing off of cows and horses from bounds which Cluny has not undertaken to protect; but he generosly caused his watch intercept them, and restored them to the owners. For instance, he recovered and restored a sett of horeses blonging to the Laird of Grants tenants in Strathspey; at another time, he intercepted and restored som horses belonging to some persons in the shire of Banff; and did the like with respect to cows belonging to persons in Strathallan, near Stirling; as he did also with respect to horses belonging to the Laird of Luss his tenants, about Dumbartan. These instances may suffice to show what a generous part Cluny acts in favour of all the countries, without the least notice or resentments against such as have not acceded to the conjunction. The thieves being this reduced to the greatis straits by Clunys undertakeing, found means, by second hands, to propose to him that if he would give up being concerned for the protection of any other countrys but that of Bedonach, where he dwells, ther woud be security given him for the safeaty for his own and that countrys goods. This proposition Cluny hase generously rejected, and not only has intyrly stoped ther wicked trade, but has committed the persons of severalls of them to prison, whereby they may be tryed for ther detestable practises.

VII.

PAPERS

FROM THE

CHARTER CHEST AT MONYMUSK.

M.D.XC—M.DCC.XX.

PAPERS

FROM

THE CHARTER CHEST AT MONYMUSK.

M.D.XC—M.DCC.XX.

I.

BAND OF FRIENDSHIP BETWIXT LORDES ATHOLL, MURRAY, LOVAT, GRANT, AND WTHERIS. 1590.

Wee, noble men, barrones, and gentlemen undersubscrivand, be the tenor heirof, bindes and oblidges ws, and every ane of ws, be the faith and trenth in our bodies, to be effauld, trew, and leill to wtheris in all actiones, quarrelles, questiones, and debaittes quhatsumewer. And in caice it shall happin ws, or onie off ws, als weill the meanest as the greatest, to be persewit, molestet, troubled, or invadit in our persones, guides or geir, be any persone or persones quhatsumever, in that caice wee, and ewery on of ws, bindes and oblidges ws to concur, asist, tack place, pairt, with others, in defending, supplieing, and resisting off the samyn to ur uttir power, against all and quhatsumewer persone or persones, the Kinges Majestie being excepted. And for the mair sur keeping heiroff, wee, the saides persones, hes, with our heartes and faithfull mindes, tuechit the evangell with our hands, to abyd firme and stable with wtheris in the premisses as said is, under the paine of perjurie and defamatioune, be this presentt writt, subscrived with our handes, at Belchastell, the fift day off November, and att [ ], the yeir of God j^{m} v^{c} fourscor ten yeiris, beffor thir vitnessis, Alexander

Stewart of Kelspokis, and Jeames Stewart, appeirand of Murray, and William Benerman.

John, Earle off Atholle.
Jeames, Earle off Murray.
Symon, Lord Phraser off Lovitt.
John Grant of Freuquhie.
John Cambell off Calder.
Thomas Stewart of Grantullie.
Patrick Grant off Rothemurcas.
Suthirland of Duffus.
Archibald Grant off Bellintome.

II.

LICENCE, JAMES VI. TO THE LAIRD OF MONYMUSK AND OTHERS, TO CONFER WITH THE EARL OF ANGUS.

Rex.

We, ffor diuerse gude causses and considerationes moveing ws, be the tenour herof, geive and grant our speciall licence to our trustie and weill-belouittis Johune Wischart of Pittarro, Williame Forbes of Monymusk, and Mathow Dowglas, and ilk ane of thame, to treat, consult, and confer with Williame, sumtyme Erle of Anguss, *etc.*, twiching his obedience to ws and the kirk; as alsua concerneing sum particularis betuix him and our cuising, the duke of Lennox, concerning the leving of Anguss. And will and grant that thai nor nane of thame sall incur na cryme or danger thairthrow in thair personis, landis, or guids, nor sall neuir be callit nor accusit thairfoir, be any maner of way, in tyme cuming, notwithstanding the forfaltour led againis the said Erle of Anguss, or ony act, law, or proclamatioun maid or to be maid in the contrar. Quhairanent we, of our auctoritie royall and kinglie power, dispense with thame be thir letteris. Subscrynit with our hand, at [ ] the [ ] day off [ ], and of our regne the xxix yeir, 1595.

James R.

III.

LETTER, WILLIAM, TENTH EARL OF ANGUS, TO SIR WILLIAM FORBES OF MONYMUSK.

Loving Brother,

I receaved your letter, and I am sory my Lord Huntlie hes misvset yow by your merit and deserving. My opinion is, that ye sute your landis hauldand of the king, quhilk I believe sall relieve yow from Clunes regall baillerie; or at the leist, seing ye have a baillerie of your awin includit within your chartour lang before his richt, and in my opinion ye hauld these landis blanche, and consequentlie will aw no sutes to his regall court. I thinke ye can not be mikle hurt be ony posterior tytle of baillerie or regalitie, bot ye sall not blame me heiranent, for ye had the forrming of the decreit be your awin men of lawes advyse; for I will wryte nothing to the Marquis of Huntlie at this present, for sick occasiones as the beirer will shaw yow at more lenthe. My counsell is, that ye cause Glenbervie travell with Clunie, and sie gif ye can get a new translation of that baillerie in your person, and in your aires, and set him sum tackes of his teindes to that effect, for the baillerie of regalitie will make yow to have a dependence of the hale cuntrey; and quhat raches, suppose ye give some of your geir, mair nor it is worthe, to put your house in peace and quyetnes. I am very sory that Mr. Johne sould have done ony thing till offend or dishonour yow or your bairnes; and I have wryten a letter of reprooffe to him concerning that mater; for seing ye gat bot little tocher gude with our sister, it was the leist thing we could give yow our kyndnes and gudwill; but quhar he hes offendet, gif ever I come in Scotland againe I sall make yow ane mendis; and I am sory that I have not the commoditie at this tyme to be present that I micht serve yow, and other friendis, in all your particular adoes; and seing your dochter is mariet, my opinion is, that ye let the letters desert against all parties, for it will be bot chargeable to yow and na profite; and ye will conqueis bot inimitie of the Frasers and of the Gordownes of Abirgeldie. I have beine sumthing sicklie; bot now, God be praiset, I am weill. Thair is na newes heir bot sicke as the beirer will shaw yow in ane particular letter. The King was slane the fourteenth of May, efter our count, unhappilie be ane dispairet fallow, ane of his awin subiectes of An-

golesme, called Francis Ravaillac. He stude to his defence that he had done it iustlie, till his latter houer, and wauld nather crave God nor this King pardon for the same; albeit bathe the doctoures of Sorbone and the court of Parliament delt with him for that effect. He hes accuset na man quhat some ever to be airt or pairt of that deed, bot onlie himself, and said he was movet to do the same for sick vane reasones that war lang to wryte. The Prince of Condy is daylie expected heir from Flanders; and gif the Princes of France agrie amang thameselves, as I thinke they sall do, thair will be nathing heir bot peace and quyetnes. The King was proclamet, on the morne efter the Kings death, Louis the XIII, be the Parliaments in France. He is to be anoynted at Rhemes, the twenty-sixth of Julii; and the hale officeris of estate, and governoures of provinces and townes ar to be continewit as the war in the last Kings tyme. And thus my hartlie commendationes rememberet to my sister your bedfellow, your son William, and your bairnes. I rest,

Your loving brother,

ANGUSS.

The 15 of June, 1610.

To his loving brother, the Laird of Monimus, this be delyverit.

IV.

DESCRIPTION OF THE PRESENT STATE OF [MONYMUSK], AND WHAT HATH BEEN DONE TO MAKE IT WHAT IT IS. BY SIR ARCHIBALD GRANT. 1716.

By the indulgence of a very worthy father, I was alowed, 1716, though then very young, to begin to inclose, and plant, and provide, and prepair nurseries. At that time there was not one acre upon the whole esteat inclosed, nor any timber upon it but a few elm, cycamore, and ash, about a small kitchen garden adjoining to the house, and some stragling trees at some of the farm yards, with a small cops wood, not inclosed, and dwarfish and broused by sheep and cattle. All the farmes ill disposed and mixed, different persons having alternate ridges; not one wheel cariage on the

esteat, nor indeed any one road that would alow it, and the rent about £600 sterling per annum; grain and services converted to money. The house was an old castle, with battlements, and six different roofs of various hights and directions, confusedly and inconveniently combined, and all rotten, with two wings more modern, of two stories only, the half of windowes of the higher riseing above the roofs, with granaries, stables, and houses for all cattle, and of the vermine attending them, close adjoining, and with the heath and muire reaching in angles or goushets to the gate, and much heath near, and what land near was in culture belonged to the farmes, by which their cattle and dung were always at the door. The whole land raised and uneven, and full of stones, many of them very large, of a hard iron quality, and all the ridges crooked in shape of an S, and very high, and full of noxious weeds and poor, being worn out by culture, without proper manure or tillage. Much of the land and muire near the house, poor and boggy; the rivulet that runs before the house in pitts and shallow streams, often varying channel with banks, always ragged and broken. The people poor, ignorant, and slothfull, and ingrained enimies to planting, inclosing, or any improvements or cleanness; no keeping of sheep, or cattle, or roads, but four months when oats and bear, which was the only sorts of their grain, was on ground. The farme houses, and even corne millns, and mans and scool, all poor dirty hutts, pulled in peeces for manure, or fell of themselves almost each alternate year. Peter the First of Russia had more trouble to conquer the barbarous habits of his subjects, than in all the other great improvements he made.

[The judicious measures adopted by Sir Archibald Grant for the improvement of his estate, are in nothing more observable than the noble masses of plantations which, under his fostering care, arose on hill and dale. The appearance of the country must have been wonderfully changed for the better as these woods advanced. Indeed, it is difficult now to conceive of that bleakness of which Sir Archibald complains; and among the many thousands of acres of wood which were planted by this indefatigable improver, there are trees of a size so gigantic, that few, if any, can be found to equal them in Scotland.]

V.

A TRUE ACCOUNT OF TWO VISIONS SEEN ON THE MOORE CALD THE WHITE MYRES, A MILE AND ANE HALF TO THE WESTWARD OF ABERDEEN, [SENT BY THE LAIRD OF KINGSWELLS TO SIR ARCHIBALD GRANT OF MONYMUSK. 13TH NOVEMBER, 1719.]

The first was on the twenty-ninth of Januarie last, att eight houres in the morning, there appeared ane army, computed to be the number of seven thusand men. This computation was made by a very judicious man, who had been long a souldier in Flanders, and is now a farmer at this place, who, with abont thirtie other persons, were spectators. This army was drawn up in a long line in batle aray, ware seen to fall doun to the ground, and start up al att once; thair drums ware seen to be carried on the drummers backs. After it remained more then two houres, a person on a white horse road along the line, and then they all marched towards Aberdeen, where the hill cald the Stokett tooke them out of sight. It was a cleare sun shine all that morning.

The second was on the twenty-first October last, upon the same gronnd. About two thousand men appeared with blew and white coatts, clear arms, glancing or shining white ensignes ware saen to slap down, as did the former, att which tyme a smoak apeird, as if they had fired, but no noise. A person on a white horse also road alonge the line, and then they marched off towards the bridge of Dee. This vision continued on the ground from three houres in the afternoon, till it was scarce light to see them. It was a cleare fine afternoone, and being the same day of the great yearly fair held att Old Aberdeen, was seen by many hundreds of people going home, as weall as by above thirty that war at their own houses, about half a mile distant. Its observable that the people that ware coming from the fair, cam thorow them, but saw nothing till they cam up to the crowd that war standing gazing, who caused them to look back.

Both these vissions I enquired about imediatly after, and examined many of the spectators with the outmost care, who all agree with the greatest confidence imaginable, so that there is no roome left of doubting the truth.

I shall add to this, that while I was sitting with Captain Grant, me asking what news att Aberdeen att a servant, who told us that the river of Don

was dryed up, I imediatly took horse and road down the river, and examined that affair, and found that on Monday befor, the second day of November, the river had suddenly dryed up in the night time, begining a litle below Kemnay, and down near to the old town of Aberdeen. I road six miles along the watter side, and found it had been so dry att Inverourie and Kintore, that children of five or six years of age gathered up the fish, trouts, and eels, and many people going to a fair had com over dry foot, som wherof war Aberdeens men of good credite. When the watter returned, which was about twelve houres at noon, it came insensibly; this most of the town of Inverourie war witnesses to. The watter continued in the potts. It was only the streams that dryed, and some foords that a litle horse could not ride on Saturday before; and I hear for certain, that the watter of Diveren did the like on the Wedensday thereafter, close by the town of Banff. This will puzle thy philosophy, but thou needs not doubt of the certainty of ether.

ALEX. JAFFRAY.

VI.

MEMOIRES [OF THE STATE OF THE COUNTRY IN THE EARLY PART OF THE EIGHTEENTH CENTURY, BY SIR ARCHIBALD GRANT OF MONYMUSK.]

In my early days, soon after the Union, husbandry and manufactures were in low esteem. Turnips in fields for cattle, by Erle of Rothes, and very few others, were wondered at; wheat was almost confined to East Lothian; inclosures few, and planting very litle; no repair of roads, all had, and very few wheel carriages; no coach, chariote, or chaise, and few carts, benorth Tay. In 1720, I could not, in chariote, get my wife from Aberdeen to Monymusk. Collonel Midleton, the first who used carts or waggons there; and he and I the first benorth Tay who had hay, except very little at Gordon Castle. Mr. Lockart of Carnwath, author of Memoirs, the first that attempted raising or feeding cattle to size. Mrs. Miller of [ ], who had made noise about [ ], the first who attempted threed or fine linnen; and the Miss Walkenshaws succeeded. These first took place about Glasgow and Renfrew, by which,

and other industry, their towns made rapid encrease; Edinburgh then, and most others, having little but retail trade. Aberdeen was then poor and smalle, haveing some Dutch and French trade by salmond, and stockings, and serges, and plaiding; had first use of tea, then very scarce, and little used at Edinburgh, supplyd Edinburgh with French wines, where, notwithstanding towns dueties, it sold in retail in and from taverns, at 10d. per choppin or English quart. Few families, except dealers, had it in cask for [ ] use, haveing it from taverns, which were then much used; and table and body linnen seldom shifted, and but course, except for extraordinary occasions, moveing necks and sleeves of better kinds being then used by best. Many wooden, mud, and thatched houses, within gates at Edinburgh, Glasgow, and Aberdeen; few others without gates there or in other towns. The churches, abbys, castles, and all large stone edifices [ ] by foreign contributions, or the slavery and want of other employ of the people, and all in friendship aideing each other. Nobles and chiefs were tyrants, and kings according to dispositions, by their means. After union of crowns, before that of nations privy council tyrannicall, and neither fixed property or liberty. All improvements of security, husbandry, manufactures, commerce, or police, are since 1707, with which literature in any extensive degree, except scool jargon, hath keeped pace.

VIII.

THE ARBUTHNOT PAPERS.

M.CCCC.LXXXVII—M.DC.LXXXI.

THE ARBUTHNOT PAPERS.

M.CCCC.LXXXVII—M.DC.LXXXI.

I.

ROBERT ARBUTHNOT AND MARION SCRIMGOR, HIS WYFFE, THER RECEPCION IN THE FRATERNITIE OF THE ORDOUR OF OBSERVANTIA. 1487.

In Christo sibi carissimis Roberto de Arbuthnot, domino eiusdem, eiusque sponse, ac utriusque sexus prolibus, Deo ac beato Francisco deuotis, Frater Johannes Grohin, reuerendissimi patris Ministri generalis ordinis sacri minorum, super omnes fratres eiusdem ordinis Cismontanarum partium de obseruantia nuncupatos, generalis Vicarius, Salutem in domino ac bonis perfrui sempiternis. Feruidus vestre deuocionis affectus quem ad nostrum geritis ordinem, exigencia digna requirit, vt quia in temporalibus non possumus vicem vestre caritati respondere, in spiritualibus tamen quantum nobis auctore Deo suppetit, proutque nostris apud Deum seruamus desideriis, et quantum vestra promerctur caritas, vestris beneficiis gratitudinis debito compensemus. Quappropter vos ad nostram confraternitatem recipio in vita pariter et in morte, plenam et specialem participiacionem omnium carismatum et operum meritoriorum, videlicet missarum oracionum, diuinorum officiorum, deuocionum, suffragiorum, jejuniorum, vigiliarum, disciplinarum ceterorumque bonorum spiritualium, tenore presencium vobis graciose, conferendo, que per fratres mihi subditos, sorores Sancte Clare, necnon fratres et sorores de penitencia fieri dederit Auctor Omnium Bonorum Dei Filius, vt multiplici suffragiorum adiuti presidio, et hic augmentum gratie et in futuro mercamini eterne vite praemia possidere. Volens ut dum obitus vester, quem Deus in longum ad bonorum operum lucrosa exercitia protrahere dignetur, in nostris denunciabitur capitulis, pro vobis fiant oraciones cedem, que pro precipuis benefactoribus nostris est in nostro ordine hactenus laudabiliter fieri consuetum. In cuius concessionis testimonium sigillum prefati officii mei

cum manu mea duxi presentibus appendendum. Datum in conventuu nostro Sancte Marie de Angelis apud Tholosam prouincie Aquitanie tempore generalis capituli super festo Penthecostes inibi celebrati. Anno domini millesimo cccc^mo octuagesimo septimo.

J. Smaloysel de mandato R. P. vic. gen.

II.

LIBERTIE GRANTED BE THE POPE TO ROBERT ARBUTHNOTT AND HIS SPOUS, TO CARRY ANE ALTAR AND SUA MESSIS WHER THEY PLEAS, IN ONY PLACE CONVENIENT, IN POPE INOCENT THE AUGHT HIS TIME AND SEVINTH OF HIS PONTIFICAT.

Julianus, miseratione diuina Episcopus Ostiensis, dilectis in Christo Nobilibus Roberto de Arbuthnot laico, domino temporali dicti loci, et eius uxori dioceseos Sancti Andree, Salutem in domino. Sincere deuotionis affectus, quem ad Romanam geritis ecclesiam, non indigne meretur ut petitionibus vestris presertim quas ex deuotionis feruore prodire conspicimus, quantum cum Deo possumus fauorabiliter annuamus: Hinc est quod nos deuotis uestris supplicacionibus inclinati, vt liceat uobis et uestrum cuilibet habere altare portatile cum debita reuerentia; super quo in locis congruentibus et honestis, per proprium uel alium sacerdotem ydoneum, missam et alia diuina officia, sine iuris alieni preiudicio, in uestra et cuiuslibet uestrum ac familiarium uestrorum domesticorum presentia, possitis facere celebrari, auctoritate domini pape, cuius primarie curam gerimus: Et de eius speciali mandato super hoc uiue vocis oraculo nobis facto, deuotione uestre tenore presentium indulgemus. Datum Rome apud Sanctum Marcum sub sigillo offiicii primarie, Nonis Maii Pontificatus domini Innocentii pape viii anno septimo.

Caramellus.
A. de Calandrinis.

R. de Ciminoutinithus.
M. de Vultous.
Nicolaus Bride, p.

Dorso: D. de Marano.
D. Valgornora.

III.

ROBERT ARBUTHNOT OF THAT ILK AND MARIONE SCRYMGOUR, ASSOCIAT TO THE FRATERNETIE OF ST. JHONE OF JERUSALEM, CONTEININGE ABSOLUTIONE FRE ALL THER SINIS.

Deuotis in Christo sibi dilectis, nos frater Willelmus Knollis miles preceptor sancte domus beati Johannis in Jerusalem, Salutem et augmentationem [ ] celestium gratiarum, ex ingentibus vestrarum deuocionum affectibus quos ad nostram ordinem antedictum piis intencionibus geritis, et caritatis operibus, [ ] vt quod nos temporaliter retribuere non valemus in terris, saltem oracionum suffragiis compensemus in celis. Hinc est, quod vos in filium et filiam suscipiendo spirituales, vos Robertum Arbuthnot et Mariotam Scrymgeour in fratrem et sororem tocius ordinis antedicti aggregamus, vigore cuius fraternitatis eritis absoluti per confessorem ydoneum de omnibus vestris [ ] contritis et oblitis per tres dies solempnes anni, viz. die Cene Domini, die apostolorum Petri et Pauli et die assumpcionis beate Marie Virginis, et in articulo mortis, tocies quocies eritis constituti, cum multis aliis priuilegiis quae causa brevitatis in presenti scripto imponere non possumus. In cuius rei testimonium sigillum officii nostri presentibus est affixum.

FORMA ABSOLUCIONIS IN VITA ET IN MORTIS ARTICULO, MISERICORDITER.

Dominus noster Jhesus Christus qui dedit potestatem ligandi atque soluendi, ipse te absoluat, et ego te absoluo, auctoritate apostolorum Petri et Pauli et tocius matris ecclesie, atque virtute istius priuilegii papalis in quantum claues ecclesie se extendunt in hac parte. Et sitis absoluti ante tribunali Domini nostri Jhesu Christi, et habeatis vitam eternam in secula seculorum.

IV.

BISCHOP OF CATHNES, THAN BEING COMPTROLLAR OR THESAURER, ACQUITANCE OF ANE HUNDRETH MERKIS, FOR COMPOSITIONE, BE JAMES ARBUTHNOT, IN PART OF PAYMENT OF HIS NEW INFEFTMENT. 17TH MAY, 1512.

We, Andro, bischope of Caithnes, Comendatar of Kelso and Fern, and thesourar to our Souerane Lord, grants ws to have ressauit be the

handis of Master James Wischart of Pettarowe, the sovme of ane hundreth merkis vsuale money off Scotland, in the name and behalfe of James Arbuthnot of that Ilk, in part of payment of ane composicione for ane new infeftment, maid be our Souerane Lord to the said James, of the Barony of Arbuthnot. Off the quhilk sovme of ane hundreth merkis, in our saide Souerane Lordis name, we hald ws wele content and pait, and the saidis James Arbuthnot, his airis, executoris, and assignais thairof dischargis and quitclamis for euir. In vitnes hereof, we have subscriuit this our acquittance with our hand, at Linlytgow, the xxii day of Maii, the yere of God j$^{m.}$ v$^{c.}$ and twelff yeris.

Andreas, Episcopus Cathanensis Thesaurarius.

V.

JAMES ARBUTHNOT OF THAT ILK, HIS LYCENCE TO PAS IN PILGRIMAGE TO SANCT JOHNE IN AMYANCE. 23d November, 1520.

James, be the grace of God king of Scottis, To all and sindry, our justice chawmerlenis, sheriffis, prowestis, baillies of burrowis, and all otheris, our officiaris and ministeris of oure law, spirituall and temporall, liegis and subdittis quhame it efferis, quhais knawledge thir owr letres sall cum, greting, Wit ye, that forsamekle as our louit, James Arbuthnot of that Ilk, is, of our beneuolence and licence speciall, quhilkis we gif to him, to pass in his pilgrimage to Sanct Johnne of Amiens, in the realme of Fraunce, and othir places beyond sey, in his pilgrimage and erandis he has thair ado, We haue thairfor takin wnder our fermm pece, speciall protectiounne, manteinance, suple, defence, and sauf guard, the said James Arbuthnot of that Ilk, and all and sindry his landis, rentis, possessionis, castellis, fortalicis, strenthis, howsis, tenementis, bigingis, takkis, malingis, stedingis, stoyr placis, grangis, woddis, bowis, fischingis, cornis, cattel, baillies, officiaris, proper tenentis, familiar seruandis, factoris, procuratoris, and intromettoris; and all and sindry thair gudis, movable and vnmovable, quhatsumeuir. Attowr, we haue respit, and be thir our letres, speceally resputtis, all and sindry actionis, causis, pleyis and querrellis, movit or to be mowit, tuiching and concerning the said James Arbuthnot of that Ilk, his bailleis,

officiaris, proper tenentis, familiar seruandis, factouris, procuratouris, and intromettouris, to cess and rest fra the day of the dait of thir presentis to the day of his returning agane, and fourty dais thairefter folovand; and that he and thai salbe in the meyn tym fre and exempt, quhame, be the tenor of thir presentis, we frelie exeeme fra all compering to our justice airis, chawmerlane airis, sheriff courtis, and utheris, and fra all pleyis, for quhatsumeuer causis or actionis bigane, vnto his returning agane in Scotland, and xl dais thairefter, Quharefore, we charge straitlie and command yow all and sindry, our justice, chawmerlenis, sheriffis, and prowestis, baillies of burrowis, and all other oure officiaris and ministeris of our realm, spirituall and temporall, liegis and subdittis quhatsumeuer, [that] nane of yow tak uponn hand to wex, inquiet, perturb, or ony way, cannonlie or ciuilie, molest the said James, his baillies, officiaris, proper tenentis, familiar seruandis, factouris, procuratoris, or intromettouris, attour thir oure letres of licence, protectioune, respitt, and exemptioune, wnder all the hiest pane, charge, and offence that ye and ilk ane of yow may commit and incur agane our maieste in that part, dischargeing yow and ilkane of yow of your office in that part be thir presentis. Gevin onder our pryue seill, at Edinburgh, the xxiii day of Nouember, the yer of [God] j$^{m.}$ v$^{c.}$ and twenty yeris, and of our regine the aucht yer.

A. Lygait.
Ja. Cancellarius.
Alr. Erl of Huntle.
Erl of Argyl.
G. Byschop of Aberdeen.

VI.

DISPENSATION BY JAMES V. FOR SERVING ROBERT ARBUTHNOT OF THAT ILK AIR TO HIS FATHER, JAMES, NOCHTWITHSTANDING OF HIS MINORITE. 12th February, 1527.

James, be the graice of God king of Scottis, To our Shireff of Kincardyn and his deputtis, greting, Wit ye ws, of our speciall fauor and kingly power to have dispensit, and be thir our letres speciallie dispenssis, with our louit, Robert Arbuthnot of that Ilk, sone and air of vmquhile James Arbuth-

not of that Ilk, vpon his minorite and less aige, quhairin he is now constitute, to the effect that he may now in his less aige be enterit, be breuis of inquest of our chapell, to all and haile his landis and barony of Arbuthnot, wyth the pertinentis, lyand within our sheriffdome of Kincardyne, syklyke, and als lauchfullie be vertew of this our dispensacioun, as and he wer at his lauchfull aige of xxi yeris complete, resseruand to ws and to thame that hes the warde of ws, all and haile the profittis and dewiteis pertenyng to ws, during all and haile the tyme and space of the said ward, It is our will heirfor, and we charge yow, that incontinent thir our letres sene, ye mak the breif or breuis of inquest of our chapell rasit, or to be raisit be the said Robert, to be lauchfullie proclamit and dewlie servit for his entre to his saidis landis and barony; siclyke, and als full be vertew of this our dispensatioune anent that poynt of his aige, as and he wer of xxi yeiris complete, nochtwythstanding that he is yit of less aige. Anent the quhilk we haue dispensit wyth thim, as said is; and dispenssis inlykwyss anent that poynt of his age with you and the inquest that passis vpone the serving of the said breif be thir our letres, sa that ye nor thai sall nocht be accusit nor incur ony skaith thairthrow in tyme cumyng. Gevin onder our signet, and subscriuit with our hand at Abirdene, the tuelft day of Februare, and of our regnne the xv yeir.

JAMES R.

VII.

LETTER, JAMES DUKE OF CHATELHERAULT, TO THE LAIRD OF ARBUTHNOT.

GUBERNATOR.

Traist Freynde, eftir hartlie commendatioune, we ar suirlie aduertist that thair is ane army of Inglande makand reddy, quhilk intendis schortlie to invaid this realme, and cum in the inwart partis thairof, to byrne, hery, and distroy the Quenis leiges; and for resisting of thaim, and stopping of thair crowell intentioune, we purpoiss to pas fordwart ourself, quhairfore it is thocht expedient that letres be direct generalie throw all this realme, to conuene all barones, landitmen, and substantious yemen men, to be in Edinburgh, the xiii day of Apprile nixt to cum. Prayand yow heirfore effec-

tuslie, that ye with your freinds and substantious commonis keip the said day, with xl days wictualis, conforme to the proclamationis, as ye lufe the weill and libertie of this realme, and will schaw your gud seruice and reddynes in that behaf, and Almychty God haif you in his keiping. At Edinburght, the xiii day of Merche, 1549.

Your gvd Frende,

JAMES. G.

To our traist freynd the Laird of Arbuthnot.

VIII.

JAMES, EARL OF MURRAY, TO THE LAIRD OF ARBUTHNOT.

Traist Freind, eftir oure maist hertlie commendationes, now, as is nocht vnknawin to yow, approches the tyme of the Parliament, quhairin diuers materis ar to be intreatit to the glory of God, the promoting of the king oure lordis authoritie and seruice, and the publict quietness and commoditie of this his realme. At quhilk Parliament it is convenient that all nobill men and gentilmen quha hes declairit thame obedient to his hienes and his authoritie, be present, that be thair presence and avyse materis may the bettir and mair substantiouslie proceed. Quhairfoir we pray you effectuislie, as ane of this nowmer, that ye prepare and address your self, accumpanyit with your honest freindis and servandis, in your maist substantious maner, to be in Edinburght, the xiii day of August nixtocum, providit to remane quhill the end of the said Parliament, to the effect aboue specifeit, as ye will declair your gude will and effectioun to our souerane, his authorite, and seruice, and do ws maist thankfull and speciall plesour. Sa we comit yow to God. At Edinburgh, the xiii day of Julii, 1568.

Your gude Freind,

JAMES, Regent.

To our truist freind the Lard of Arbuthnot.

IX.

JAMES, EARL OF MORTON, TO THE LAIRD OF ARBUTHNOT.

Rycht traist Friend, efter oure hairtlie commendationes, we haue laitlie ressauit new plegeis of the brokin men inhabiting the bordoure, quhilkis we haue directit to be kepit in vther places. And thairfore it is our will, and we dessire yow, that ye let to libertie and fredome Thome Johnnestoun, sone to Dauid of the bankis, now being in your company and custodie, that he may depairt hame to his dwelling place, or freindis, at his pleassour, quhairvnto thir presentis sall serve yow for sufficient warrant. Sua we commit yow to God. At Halyruidhous, the xx day of December, 1575.

Your assuirit Freind,

JAMES, Regent.

To our richt traist freind the Laird of Arbuthnot.

X.

GEORGE, MASTER OF MARISCHAL, TO THE LAIRD OF ARBUTHNOT.

Rycht honorabill and weil belouit Cousing, I haue onderstand be this bearer that, at my requeist, ye ar willing your eldest sone suld spend a pairt off his tyme in my company, quhairinto I think myself oblist wnto yow, assurand yow that he sall be no oder wayis vsit and tratit thane my selff, and sall laik nathing that may be ffor his fordrance that lyis in my pouer. Fairdermoir, the minister, our cousing, schew me that ye wald haue knawin in quhat equipage, concernyng his horssis, seruantis, and claiss, it war meit he suld be. My opinion is, that he will nocht mistar ony seruants, in respect myne sall haue that command to weit upon him; also, as concernyng his horsis, indeid I think he will mister tway, in respect of the kingis grace daylie ryding, quhairat baith I and he man continuallie be present; as to his manner of clething, in that he may haue his awin fre will; yit, seing he will

be estemed as off my company, I think it will nocht be on meit to be in blak, bot in all thais ye sall do as ye think guid. I haue schawin my opinion onlie becauss I was requered off it. I suppone that I sall nocht gang to the court quhyll efter my Lord Marris brydell, quhilk will be in the end off this moneth, so that in the mene tyme, giff ye and he thinkis guid, he may cum ouer heir and pass the tyme in huntyng, or ony oder pastyme as sall occurre. So nocht wyllyng to truble yow with farder letter, bot with my hartlie commendation to your bedfellow and sonnis; quhome, and yow, I commit to the protection of the Almychty, our guid God. From Dunotter, this xxii off October, 1580, be

Your assured guid Freind,
MASTIR MARSCHALL.

To the rycht honorabill and weil belouit cousing,
the Laird of Arbuthnot, delyuer this.

XI.

WILLIAM, FOURTH EARL MARISCHAL, TO THE LAIRD OF ARBUTHNOT.

Euir with all hartlie commendacionis, this Sunday the xxiii off Aprile, I resauit your writeing fra my cussing and yours, the persone off Dunotter, ffor the len of sick siluer as ye vreitt, in respect that ye haue meikill ado with the same. Cussing, I am richt sorie that I suld nocht acknawin off this your desyr a littil afoir this present. Quhairoff a treuth, diuerss off my dochteris hawing ado, and my awin neidfull afferis, as I haue schawin to this beirar, hes sua empteitt may hand, that I can nocht at this present satisfie your request, vnto the tyme I may haue sum moyann by selling off my wictuall to mak new furnessingis, quhairoff I pray yow hartlie to hawe me excuissit, ffor giff your charge had cum first ye suld hawe bein first obeyit, as vnto him quham I wald glaidlie plesour in ony thing I culd, lik as I hawe this berrar, my cussing and youris, declair, quhom I dout nocht bot ye will credeitt, and this I

pray God for your weilfair. At Dunnotter, this Sonday laitt, the xxiii off Aprile, 1581.

Your ald wnckill at powar,
MERSCHEALL.

To the richt honorabill and my hartlie beluiffit neuoy,
Laird off Arbuthnott, be this delyuerit.

XII.

KING JAMES VI. TO THE LAIRD OF ARBUTHNOT.

Richt traist Freind, we greit yow hartlie weill. We haue send oure seruitour, Alexander Young, for ane speciall erand of ouris to be comunicat to you, quhairin we desyre yow firmlie to credit him. And that be him we may understand and have a pruif of your gude will at this tyme (the occasioun for craving it), as ye will do ws acceptabill and gude plesour, to be thankfullie rememberit quhen your erand may fall in oure way. And sa resting to your ansuer, comittis yow to God. At Halyrudehous, the vii day of May, 1583.

JAMES R.

To our richt traist freind, the Lairde of Arbuthnot.

XIII.

KING JAMES VI. TO THE LAIRD OF ARBUTHNOT.

Traist freind, we greit youe hartlie weill. Being desyrous to put sum spedie ordour to the reformatioun of sindrie thingis that ar amiss, bayth in religioun and policie, and therin to vse the adwyse of sum speciallis of our nobilitie, baronis, and burrowes, best affected to religioun and the comoun weill of this our realme, we haue thocht meit to desyr yowe, as ane of the

said nowmer, that in ony wayis ye faill nocht to be at ws heir in Halyruidhous, vpoun the xxiiii day of Nouember instant, ready to assist ws with your guid counsall and concurrence in sic thingis as sall be oppennt to yow at your cuming. Quhairanent trusting ye will nocht failzie, as ye will kythe yowe weill affected to our service and the weill of this estait, we commit yow to God. At Halyruidhous, the xiiii day of November, 1588.

JAMES R.

To our traist freind, the Laird of Arbuthnot.

XIV.

KING JAMES VI. TO THE LAIRD OF ARBUTHNOT.

Rycht traist freind, we greit yow hartlie weill. Vnderstanding that thair is bandis, practizes, conspiraciis, conventicles, and conventiones of menn, in armes, in sindrie partis of our realme, without oure preuicie or allowance, (quhatsoever hes bene reportit in the contrair), quhilk apperis dangerous to the trew religioun, and to the inquieting of oure persone and estait, pretendeat oure name to cloik thair unlauchfull doingis, and to draw oure lieges the rather to follow thame, to thair greit inconvenient, and truble of our hale realme; we think it thairfoir conveuient to be accompanyit with a force of oure loving and faithfull subiectis, the bettir to resist all invasioun, and, as occasioun sall offer, to repress the insolence of the movaris of this disordoure. Desyring yow thairfoir effectuouslie, that ye will nocht faillie, accompanyit with your kyn, freindis, seruandis, and hale force, that ye may mak, armit with speiris and hagbuttis, and address yow to cum to ws heir to Edinburght, with all possible diligence eftir the sycht heirof, to accompany ws sa lang as the necessitie of this caus sall require; as ye will declair your affectionat mynd to oure welfair, and do ws acceptable seruice. Thus we comit yow to God. At Edinburght, the xii day of Apryle, 1589.

JAMES R.

To our richt traist freind, the Laird of Arbuthnot.

XV.

KING JAMES VI. TO THE LAIRD OF ARBUTHNOT.

Richt traist freind, we greit yow weill. Our mariage now, at Godis pleasour, being concludit, and the Queene our bedfellow hourlie louked for to arrive, it becummis ws to haue sic as accumpanies hir weill and honorablie interteinet, as our ambassadoure hes fund the lyk in pruif already. To the furtherance quhairof, we mon employ the gudewill of our loving subiectis, of best effectioun and habilitie, and thairfor eirnistlie and effectwuslie desyris yow that ye will send hither to the help of the honorable charges to be maid in this actioun, sic quantitie of fatt beif and muttoun, on futt, vyld foullis, and venysoun, or vther stuff, meitt for this purpois, as possiblie ye may provide and furneueis, of your awin, or be your moyane, and expeid the samyn heir with all diligence, efter the ressait of this our letter, and delyuer it to our seruitour, Walter Neasch, master of our lairdner, quhome we haue appoyntit to ressaue the samyn, and gif his ticket thairvpon. That we may particularlie knaw the gude wilis of all men, and acknawledge it accordinglie, quhen tyme servis; and that ye delyuer your ticket of that quhilk ye send, to ane of our master household is, quha sall attend thairvpoun, aduertising him quhat salbe lipnit for, that we be nocht dissapointit; as ye will do ws richt acceptable pleasour and service. And sa for the present committis yow to God. At Edinburght, the penult day of August, 1589.

James R.

To our right traist freind, the Laird of Arbuthnot.

XVI.

KING JAMES VI. TO THE LAIRD OF ARBUTHNOT.

Richt traist freind, we greit yow hertlie weill. Sen our vuage, praised be God, hes bene prosperous, the day of the coronacioun of the Queene, our derrest spous, approcheing vpoun the xvi day of this present, we requieist yow effectuouslie, that ye will not faill to haue hither sic support of stuff and prouisioun as ye haif alreddy, or is able to gett, according to our former letres and requeistis, and deliuer the same, at the auld cuinzehouse,

to our master of household, Andro Meluile, appointed to ressaue the samin, vpoun the xviii day of May instant, and to mak trew report, be write, of euery mannis furthwardnes and guidwill in this behalf, as ye will deserue our speciall thankis. Swa we commit yow to God. At Haliruidhous, the ellevint day of May, 1590.

JAMES R.

To our richt traist freind, the Laird of Arbuthnot.

XVII.

LICENCE BY THE PRIVY COUNCIL, IN FAVOUR OF ROBERT, VISCOUNT ARBUTHNOT, AND OTHERS.

The Lords of Councell gives full licence and liberty to Robert Vicecownt of Arbuthnot, Sir John Carnegy of Craig, Sir Alexander Carnegy of Balnamone, Williame Rait of Halgrein, and Robert Arbuthnot of Fyndowrie, and suche as shalbe in eache of thair companies, to eat and feed vpon flesche during this forbidden tyme of Lentron, *viz.*, from the [ ] day of [ ] to the [ ] day of [ ] nixt thairafter, and alsua vpon Wednisdayes, Frydayes, and Satterdayes, for the space of a yeir efter the dait heirof, and that without any cryme, quarrell, skaithe, or danger, to be sustinet be thaim, or any of thame, in thair personis, goods, or geir; notwithstanding of whatsumevir act of parliament, statute, or proclamatioun made in the contrare, whairanent, and all paynes thairin contenit, the saids Lordis dispenssis simpliciter. Given at Edinburgh, the [ ] day of Marche, 1642.

LOUDOUN, Cancellarius.	ARGYLL.	MORTON.
EGLINTOUN.	SOUTHESK.	AL. GIBSON DURIE.
Sir THOMAS HOPE.	J. CARMICHAELL.	ROBERT INNES of that Ilk.

XVIII.

JOHN, SIXTH EARL OF ROTHES, TO THE VISCOUNT ARBUTHNOT.

Right Honorable, the Lords of his Majesties Privy Councill haveing ordered a rendevous of the militia trowp under your command, to be

keeped at Aberdein, the third day of June nixt, at which the muster maister generall, or one deputed by him, is to attend for mustering them, yow are required to give advertisement therof to the commissioners of the militia, and others concerned, in the vsual maner, that the forsaid dyet may be punctually keeped. This the Councill hes appointed to be signified to yow, by

Your lo. humble Servant,

Edr. 27 Apryle, 1676. ROTHES, Cancell. j. p. d.

For the Viscount of Arbuthnot, Captain of the Militia Troup in the Shyr of Kincardin, and Marshallis part of Aberdein.

[MEMORANDUM BY LORD ARBUTHNOT.]

This letre receaved vpon the nineteenth May, and vpon the twenty ane ordore diret to Thomas Burnet to advertese the leaderis to send thair proportions to ane previous randevouse, and that they meet thair troope at the Bridge of Dee vpon the second of Junii, to keepe the generall randevouse vpon the third, befor the mustir master generall and the collectore, the forsaid ordered to intimate a previous randevouse of the shires [ ] at Boghall, upon the thirty of Maii, and to ordere thair proportions to meet att Bridge of Dee, vpon the second of Junii, to keepe the generall randevous, and the commissioners to meet at Boghall to kno the counsells letre.

XIX.

CERTIFICATE IN FAVOUR OF ROBERT, VISCOUNT ARBUTHNOT.

Edinburgh, the fyfth day of December, 1681.

The whilk day, Robert, Viscount of Arbuthnot, did take and signe the test appoynted by the sext act of this current Parliament, as being any wayes concerned in publict debts, that he might have the benefite thereof, and that in presence of the Lord President of the Session, commissionat by his Royal Highnes, and Lords of Privy Councill, upon the said Viscount, his addresse to that effect, conforme to their commission, dated the twenty-fourth day of November last by past. Extracted by me,

WILL. PATERSON.

IX.

EXTRACTS

FROM

THE REGISTER OF THE REGALITY COURT OF SPYNIE.

M.D.XCII—M.DC.I.

EXTRACTS FROM THE REGISTER OF THE REGALITY COURT OF SPYNIE.

M.D.XCII—M.DC.I.

The Court of the Lordschip and Regalite of Spyne, haldin within the Chepdour of the Cathedrale Kirk of Murraye, be John Innes of Leuchouris, bailye therof, the tuentie day of Januar, the yeir of God j$^{m.}$ v$^{c.}$ fourscore tuelf yeris, the suittis callit, the Court lauchfullie fensit and affermit, as vse is.

The said day, Alexander Men enterit in pannell, and being accusit for the alledgit cruell slauchter and murthour of vmquhile Johnne Cuming in Pettindreiche, committit and done be him in the moneth of November last bypast, or therby, refuisit the samen, and offerit him to the tryell of ane assyse therof; and the assyse efter mentionat being lauchtfullie summondit to that effect, and present in judgment, comperit Archimbald Douglas, partie persewar in the actioun within wretin, and alledgit that the assyse efter mentionat was nocht lauchfullie summonit, becaus he, being partie persewar, and haiffing craiffit lang of before the bailye forsaid to put the said Alexander Men to ane assyse for the alledgit slauchter of the said John Cuming, his seruitour, alledgit that the summondis suld haue beine directit to him, and at his instance, as partie persewar, to the effect he micht haue causit ane officiar of the said regalitie summond ane vnsuspect assyse, according to the practic and forme vsit be the justice in criminale caussis, quha giffis the summondis to the partie persewar and to na vther, sua that the assyse summonit to this day being summonit by the knawledge of the said Archinbald, partie persewar, can be na lauchfull assyse, and thairfor yit, as of befor, desyris ane precept to be direct at his instance, as parte persewar,

to summond ane assyse. To the quhilk it is answerit be the said John Innes of Leuchouris, bailye forsaid, that he haiffing alredy detenit the said Alexander Men in his keping in fermance, be the space of nyne houkis or thairby, for art and parte of the alledgit slauchter forsaid, and knawing of na partie persewar, causit, be his officiar and precept, summond ane condigne number of assyse of the four halfis about. Quha being callit vpone the threttene day of this instant, at the desyre of Hew Douglas and Tiberius Vinchister, seruitour to the said Archinbald Douglas of Pettindreiche, alledging his command, desyrit continuation of this matter to the tuentie of this instant, quhilk the judge grantit. *Ex aduerso*, Comperit the said Archinbald Douglas of Pettindreiche, and denyit mandat, command, or procuratorie, giffin be him to that effect nor knowledge of the mater, as than, and sua yit as of befor, desyris ane summondis at his awin instance to summond ane vnsuspect assyse, as lykevayis alledgis that the judge can nocht pretend ignorance bot he vas partie persewar, for in presens of my Lord of Spyne and diverse gentell men he crawit Alexander Men to be put to the tryell of ane assyse for the cause forsaid. It is alledgit be Thomas Hepburne, prelocutour for the said Alexander Men, that the continuatioun being accordit to be the said Archinbaldis seruitouris, and the samin cumand to his knawledge vpone the said threttene day of this instant, quhilk the said Archinbald confessit that it come to his knawledge, bot nathing of the names of the assyse. In respect of quhais confession, the judge remittit the said Alexander to the knawledge of the assyse eftermentionat:

Nomina assise.

Valter Kinnard of Cubin.	James Vysman, elder.
Thomas Grant in Birney.	James Stewart in Balormy.
James Innes in Elgyn.	Martene Petre in Corsley.
James Man in Birney.	Henrie Rag in Mostowy.
Johnne Nauchte in Mostowye.	John Robertsoun in Kinedvard.
Henrie Vinchister in Stotfauld.	Williame Innes in Kinneduart.
John Gordouns in Mostowye.	John Vinchister, thair.
	James Wysman, younger, thair.

Quhilk assyse passand furth of judgement, and being veill and ryplie adnysit with the dittay forsaid, efter thai war admittit and sworne, and returnand in judgement, be the mouthe of Walter Kinnard of Cubin, chanceller of the said assyse, pronuncis the said Alexander acquyte of the al-

ledgit slauchter and murthour forsaid, quharvpone dome was giffin. Quharvpone the said Alexander requerit rolment of Court and ane absoluitour to be giffin to him in forme of testimoniale, quhilk the judge admittit, quharvpone he tuik act. And the said Archinbald Douglas of Pettindreiche protestit that the dome forsaid suld he nul, in respect that the alledgit deid forsaid is ane foule murthour, committit vnder clud of nycht, and consequentle ane caus of tressone, vpone the quhilk na judge may sit without ane commissioun, except the gustice, and thairfor protestit in maner forsaid, quharvpone he tuik act.

The Court of the Lordschip and Regalite of Spyne, haldin within the Chepdour of the Cathedrale Kirk of Murraye, be ane honorabill man, John Innes of Leuchouris, bailye principale therof, the tuentie seuint day of Junij, 1594, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

That day, Thomas Purse, vobster, in the Colledge of the Cathedrale Kirk of Murraye, vas decernit and ordanit to content and pay to Williame Douglas, Vicar of Elgin, Cheplan of Santlaurence Cheplanrie, situat and fundit within the said Cathedrale Kirk of Murraye, the soume of aucht merkis Scottis mone, for the Vitsonday and Mertimes maill, in *anno* fourscore threttene yeris, for the land quharin the said Thomas presentlie duellis in, pertening to the said Cheplanrie, within xv dayis, vnder the panes of poynding, quhairvpone the said Williame Douglas requerit act.

The said day, anent the complent giffin in be John Gibsone, burges of Elgin, contrare Alexander Cuming and Androw Sibbathe, indwellaris within the Colledge, for bigging and vpputting to the said John of ane hous vpone the north syd of the burghe of Elgin, quhilk suld haue bene biggit at the feist of Vitsonday, fourscore tuelf yeris, conforme to thair faithfull promeis, for quhilkis they haue already resauit payment. Comperit the defendaris and grantit the promeis forsaid, in respect quhairof, the judge ordanis thame to big the said hous sufficientlie within ane moneth, or vthervayes to content and pay to the said Johne, the soume of twentie four pundis mone, within aucht dayis thairefter, quharvpone the said Johne requerit act.

The quhilk day, Androw Patersone, seruitour to James Man, in Birney, being accusit be Androw Smytht, in Birney, for cutting of thre meris tailles, committing tharthrow manifest oppressioun, comperit the said Androw and

denyit the deid forsaid, and the persewar referrit the samin to his aithe, quha being sworne, deponis that he did nocht the deid forsaid. In respect quharof, the judge assolyeis him; and being perseuit be the said Androw for withhalding from the said Androw ane boll victuall coft be the said Androw from him, in Mr. Androw Gordounes hous in Elgin, denyit the samin, and vas lykvayis assolyeit be his aithe, quharvpone the said Androw requerit act.

The Court of the Lordschip and Regalite of Spyne, holdin within the Chepdour of the Cathedrale Kirk of Murraye, be ane honorable man, Johnne Innes of Leuchoris, balyie principall therof, the tuentie aucht day of December, 1594, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

The said day, comperit personale Williame Cuming of Kelles, cautioun of colerathe, set be Johne Innes of Leuchonris, to ane noble lord, Lodovik Duck of Lennox, leutennent for the tyme for justice doing vpone the persones contenit in the former act, as lykevayis cautioner for the entrie of James Talyeour in Middiltoun; Johnne Rob in Reidlone; Johnne Scote in Blairnahall; Androw Mitchell thair; Thomas Schipperd in Litill Innerlochte; Thomas Scote thair; John Sutherland of Kirkland; enterit the saidis persones in pannell, and protestit, that be thair entrie he suld be frie of the penaltie contenit in the former act; as lykvayis the bailyie protestit he suld be frie, in respect he vas redy to ministrat justice to parteis compleuand, quhairvpon thay and other of thame tuik act of Court.

Intrantes.

James Talyeour in Eistertoun.
Johnne Rob in Reidlone.
Johnne Scote in Blairnahall.
Androw Mitchell thair.
Thomas Schipperd in Litill Innerlochte.
Thomas Scote thair.
Johnne Sutherland of Kirkland of Duffus.
James Stewart in Balormye.

Quhilk persones pannalit as said is, desyrit to be tryet, gif thair vas ony persone or partie vald accuse ony of thame, or any dittay to alledge contrare ather of them; and the judge causit instantlie reid the dittay efter mentionat, to ather of them, quherof the tennour followis.

Androw Mitchell in Blairnahall, ye ar indyttet and accusit for the slauchter of blak fische vpon the vater of Lossye, in forbidden tyme, quhilk ye can nocht denye.

Item, For forstalling and regrating of mercattis, quhilk thow can nocht denye. Conviet.

Thomas Schipperd in Litill Innerlochte, thow art indytit and accusit for ane common forstaller and regrater of mercattis, quhilk thow can nocht deny. Acquytis.

Thomas Scote, thow art indytit for ane forstaller, quhilk thow can nocht deny. Acqytis.

James Tailyeour in Eistertonn, thow art indytit and accusit on thy lyff, for the ressait of Alexander Colman, quha is knawin ane notorious theife, and resetter off thift, lyk as thow ressauit frome him thre oxin, quhilk thow can nocht deny. Acquitis.

Item, For outputting to lymmeris of Williame Johnstounes sheip, of Auchtertyre, to Straythspey, and thairfor detenit in Darnvey the space of ane yeir, quhilk thow can nocht deny. Acquytis.

Johnne Rob in Reidlone, indytit for the thifteous steling of threttie tua heid of scheip, at tua seuerale tymes, frome Mr. Alexander Leslie, in Quytbertye, quhilk thow can nocht denye. Acquytis.

Johnne Scote in Blairnahall, indytit for ane common stelar of scheip. Acquytis.

Johnne Sutherland of Kirkland of Duffus, ye ar indytit for the harbering, resetting, and intercommoning with Johnne Innes, sone to William Innes, in Vnthank, being at the red of Auldchonnen with my Lord of Huntlie, quhilk ye can nocht deny. Acquytis.

James Steuart, in Balormye, thow art indytit and accusit on thy lyff for the maisterfull, violent, and tressonable cuming to the hous, and begging of James Schand thair, in the monethe of Maij, 1591 yeris, and thair, vnder silence of nycht, brak vp the saidis James Schandis durris, him self, his wyf, and famelie being on sleip, knawing of na ewill, maist cruellie invadit and persewit Thomas Schand, his sone, with swordis, gunnis, and vtheris vapinis invasiue, in persuite of his lyf, cheissit him sark alane and naikit, fra the said hous to the Kirktoun off Kynneduart, and had nocht faillit to have slane and bereft him of his lyf, vnles he had bene reskewit and resauit be Williame Innes in Kinneduart. In taikin of this your oppressionne, the gunne and vther vapinis, quhilk ye tint and left behind yow in the fray, ar yet to be fund and producit, as Williame Innes and

Nota. This haill dittay contrare the persones aboue written, giffin vp be the clerkis to the duik for the tyme.

Conviet for oppressioun.

the rest of his hous and famelie, as lykvayis the haill prochineris of Kinneduart, can beir record, quhilk oppressioun forsaid, committit in maner forsaid, thow can nocht denye.

Item, Thow art indytit and accusit on thy lyf, accumpaneit with thy brother and complices, for the breking vp of ane kist pertening to James Schand, in Balormye, and taking furth therof of gold, siluer, vretingis, and vther geir, and cruellie hurt James Schand in the heid with ane quhinger, lyk as ye, for verificatioun herof, confessit the samin in maner of wanting, and declarit the samin to the persone of Duffus on the morne efter the committing of the deid forsaid, quhilk ye can nocht deny.

Item, Ye ar indytit and accusit on your lyff for the thifteous steling of tua horse pertening to your minister and maister, being fedand on his awin ground, and being persewit and deprehendit of him self in the meintyme, ye thretnet and boistit your said maister and minister with ane quhinger, quhilk quhinger vas also tane fra yow, and ye immediatlie crawit the same agane, and said in caice ye gat it nocht agane, ye suld ather haue your maisteris lyf, or the best geir in his hous, befor ye slepit that same nycht. As it cam to pas, ye, in your maist thifteous maner, come to his hous and maner place of Balormye, to the accomplischment of your promeis, and brak the northsyd of his chalmer in the thak, and thair tuik vp ane coffer throw the said brokin place, quhairin vas gold, siluer, euidentis, and wreittis, and vther geir, to the valour of sex hundrethe pundis money or thairby at the leist. In verificatioun quharof, ye transportit the said coffer throw the yaird, and thair brak vp the end thairof, quhair also ye left your knyfe at the lok of the coffer, quhilk knyfe Williame Innes cognoscit and avowit in your awin presens to be youris; lykas, ye confessit the samin knyfe sumtyme to be youris. And for forder verificatione, your wyfe and servandis grantis that ye said that nycht ye vald pas and vise the cornes of Salterhill, and passit nocht to your bed at your wountit sassone; and efter supper ye said to Williame Innes of Kynneduart, ye vald nocht sleip quhill ye had ane mendis of your maister or your quhinger agane; and on the morne, being accusit in presens of Johne Innes of Lenchoris, and haill prochineris of Kinneduart, ye said it was nocht his gold nor siluer ye socht, bot his lyff, and said ye vald mak him na vther purgatioun. And, forder, ye confessit drinkand in the Muirtoune, to Richert Vysman, that ye regardit nocht, albeit your maister knew ye had tane his gold, quhat culd he do to yow, the varst was bot the warst. Lykvayis ye said to

James Tarres, your maister was in the vrang to alledge that thair vas sua mekle as fyue hundreth merkes of the haill siluer and gold that was tane away, seing thair vas bot fourtene auld roise nobillis, and thre or four peces less of gold, and about tuentie four pundis money tane away. As alsua, ye grantit to Florie Parker, that the licht of the fyre quhilk cum furth of the chimlay gaif scho cleir licht that ony body micht haue sene thame quhen thay brak the hous. As alsua, ye said to John Russell and James Wysman, in Kynneduart, being drinkand, that your maister vald nocht lat yow alone vnto sic tyme as he gat ane mischiefe out of your handis, as he that seikand the same.

And lykvayis passand betuix Kinneduart and Kinloss, ye schew to Maister James Dundass and Thomas Dundass, ane greit soume of gold, quhilk culd nocht be your awin, ye being ane puir man, haiffing onlie ane croft of land of fyve shillings schawing, and vsing na vther honest traid to won your living; spendis, weistis, and consumes in drinking ryatuslie, mair nor ony in the toune of Kinneduart; as alsua, in Elgin, for drink, ye spendit thre roise nobillis in thre days, as it is notoriouslie knawin be them quha vas in your cumpanye, quhik ye can nocht denye.

Item, Ye ar indytit and accusit for the filthie adulterie committit with Katherene Gardin, spous to James Wysman, younger, in Kinneduart, lyk as ye war deprehendit be the said James, hir husband, at midnycht, in your awin hous, and scho tane away frome yow be force, and was dung thairfor be hir awin husband, for quhilk ye war deletit to the ministeris and eldaris.

Quhilk crymes aboue written the persones pannellit, as said is, denyit, and referrit the tryell of thair innocencie to God, and ane condign assise.

Nomina assisae.

Lauchlane Grant of Elches.	Robert Vatsone of Cunyeis Bog.
James Grant of Eister Elches.	Androw Vatsone in Pettinset.
Alexander Cuming in Middeltoun.	Johne Cokburn in the Colledge.
Williame Farquharsone of Kelles.	Androw Cokburne thair.
Alexander Dunbar of Inchbrok.	Williame Innes in Kinnedour.
James Vysman, elder.	James Crommy in Spyne.
John Robertsone.	Thomas Hepburne.
John Vinchister.	John Lesle of Dandaleyth.
John Russell in Newtown.	Richert Wysman.
Robert Neil in Bishopmil.	James Man in Muirtoun.

And Johne Simsone in Ardewat.

Quhilk assise being solempnatlie, sworne, and admittit, passand furthe of judgment, and being veill and ryplie aduysit with the dittae aboue written, and euerie poynt of the samyne, haiffing God and guid conscience befor thair eis, and returnand agane in judgment be the mouthe of Androw Cokburne, in the Colledge, chanceller of the assise, aboue wrettin, are fund acquyte (except the oppressioun aboue specifeit, committit be James Stewart, for quhilk the judge punischit him als veill in his body as in his guidis). Quharvpone the sadis persones pannellit requerit act and instrumentis, and desyrit rolmentis of Court to be extendit to thame in forme of testimoniale. Quhilk the judge admittit, and ordanit to be done in forme, as efferis. Quharvpone they lykvayis tuik act.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Chepdour of the Cathedrale Kirk of Murraye, be ane honorable man, Johnne Innes of Leuchoris, balze, principale thairof, the third day of Januar, 1594, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

The said day, comperit personale Williame Gibsone of Shirefmylne, cautioun of colerathe, set be Johnne Innes of Leuchouris to ane noble and potent lord, Lodovik Duck of Lennox, Lord Obeny and Mephane, leutennent for the tyme for administratioune of justice vpone Henrie Vinchister in Scotfauld ; Williame Hasbane thair ; Johnne Geddes ; Androw Stronocht thair ; Michaell Fyndlae in Ernhill, as he quha had repledgit the saidis persones for the said noble lord to thair awin jurisdictioun, conforme to the act maid thairanent in the buikis of Adiornale, comperit the said William, as he lykuayis quha becom cautioner to the said Johnne for entrie of the persones forsaidis to this day, and enterit thame in pannell (except John Geddes quha vas deidlie seik), and protestit that, be thair entrie, he and the bailzie lykvayis suld be frie of the contentis of the act forsaid, conteuit in the buikis of Adiornale, befor mentionat, and thairvpone tuik actis and instrumentis.

Intrantes in Pannell.

Henrie Vinchister in Scotfauld.
Williame Hasbene, thair.
Androw Stronocht, thair.
Michaell Fyndlae in Ernhill.

Ye, and ilk ane of yow, ar indytit and accusit on your lyffis of trans-

porting, careing, and away taking, in boite be sea, of George, sumtyme Erle of Huntlie, and certane his freindis declarit traitouris, and vnnaturale subiectis to his maiestie, quhilk ye can nocht denye.

Item, For intercommoning withe ane grit compane of his freindis, being his maiesties rebellis, quhilk ye can nocht lykvayis deny. To the quhilk the persones pannellit answerit, that thai durst nocht deny to transport him and his companie quhair thai plesit, in respect his power vas greter nor thairis to resist him, and thairby confessit the dittae forsaid, and referrit them, and ilkane of them, in the judges vill for the samin. Quharvpone dome vas giffin.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Chepdour of the Cathedrale Kirk of Murraye, be ane honorable man, John Innes of Leuchouris, bailze, principale thairof, the tuentie day of Januar, 1594, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

Johnn Simsone in Middiltoun, thow art indytit and accusit on thy lyf, for the taking of Alexander Maill with ane fang, by an commissioun. To wit, thow apprehendit him with ane greit number of elnis of lynning clayth, hardin clayth, ane plaid, with certane sarkis neckis, and schone, and efter thow had apprehendit him, took ane pairt of that geir frome him, and leit him away, and presentit him nocht to justice, quhilk thow can nocht deny. Refuisit to byd assyse herfor, bot come in the judges vill.

Johnne Hayis, thow art indytit and accusit for the thifteous steling of tua oxin furthe of Pettindreiche, quhilk thow can not deny.

Item, For the steling of an ox frome John Robertsone, accumpaneit with Thomas and Androw Mertenes, in Innerawin, quhilk thow can nocht deny. Convict.

Item, For the thifteous steling of ane quyek frome the Lady Kelles, quhilk thow can nocht deny. Convict.

Item, For the thifteous steling of ten quarteris Inglis clayth from the Lady Balnadallocht.

Item, For the thifteous steling frome John Murdocht of allewin heid of scheip at Michaelmes in fourscore threttene yeris.

Item, for ane commoun theife, *etc.* [ ] Convict and ordanit to be hangit to the deid, quhairvpone dome was giffin. Hangit.

Johne Duncane, thow art indytit and accusit for the cuming to Thomas Mannis yaird, in Birney, in the yeir of God j$^{m.}$ v$^{c.}$ fourscore threttene Convict.

yeris, and thifteouslie steling furth therof of ane greit number of vnthrassin cornes, quhilk var apprehendit, with the quhilk thow can nocht deny.

Convict. ITEM, For ane commoun stelar of scheip, and beand cumand furth of Dolles sen Halowmes, thow staw ane scheip frome Marioun Gregour, quhairwith thow was challencit be James Henrie and George Muresone, in Grene, quhilk thow can nocht deny.

Convict. ITEM, For ane comoun stelar of scheip furth of the haill cuntrey about ye, and being apprehendit be the chamberland of Spyne, vas put in fermance, quhill thow suld haue bene tryit, and ferand thy self, thow come ower the vall of Spyne vpone ane cord, quhilk thow can nocht denye.

Hangit. ITEM, For ane commoun theife, reset of thift, outfang and infang, and outputter of leill menis geir in thifteous maner, for quhilkis crymes the assyse vndervrettin fand him giltye, and thairfor convict and ordanit to be hangit to the deid, quhairvpone dome was giffin.

[14 Feb. 1594.] That day it is statute and ordanit be the bailzie, with aduyse and speciale consent of Androw Smyth in Birney, that in caice Androw Martene in Knokandoche be fund in the said Androw Smythis hous, or the said Androw fund or sene in his cumpany fra this day, in that caice the said Androw is content, in caice he aduerteise nocht his nychbouris that the said Androw is with him, to the effect thai may apprehend him, in that caice he is content to be hangit to the deid, quhairvpone the judge tuik act.

[19 July, 1594.] That day, the judge being ryplie aduysit with the actionne of spuilze persewit be the baroune of Kincardin, contrane John M'Alester, in Dell of Rothemurkus, and haiffing tane to pronunce decreit thairin, the first of July lastly past, continewit the samin to this day; and haiffing considderit the alledgeances proponit for ather partie, bot speciallie the alledgeances proponit be the said John M'Alester and William Gibsone, his procuratour, quha confessit the intromissioune with the broune horse lybellit, and that he tuik him away ordourlie and nocht spulyed, bot be his maisters lawis, by vertew of the act of Athell, boynd for ane better horse spuilzęit be the said persewar frome the said defender, quhilk act being referrit to the said defendaris probatioun, and diuerse termes assignit be him to that effect, and the samin circumducit, and nather the said act of Athell bynd producit, nor na diligence done thairanent, as vas cleirlie knawin to the judge, and the said William Gibsone, procuratour forsaid present, and opponand nathing in the contrare. In respect quhairof, the judge being

ryplie aduysit with the lybell, and deductioun of the parties forsaid, decernis the said John M'James M'Alester to haue vranguslie intromettit and detenit the broune horse lybellit, and thairfor to content and pay to the said complainer the soume of threttene schellingis four penneis money daylie, and ilk day sen the day of the said spoliatioun to the day of this decreit, and ordanes preceptis to be direct hervpone in forme as efferis, quharvpone John Annand, procuratour for the persewar, requerit act.

The Court of the Lordschip and Regalitie off Spyne, haldin within the Jewle Hous of the Cathedrale Kirk of Murraye, be ane honorabill man, John Innes of Leuchoris, bailzie, principale thairof, the thrid day of September, 1595, the suittis callit, the Court lauchfullie fensit and affermit, as vse is.

Intrantes in pannell.

Alexander Duncane, in Pettinseit, and Christiane Phemister, your spous, ye ar indytit and accusit, on your lyfis, for the thifteous steling, detening, and withhalding frome John Mawer, portioner of Vrquhart, of ane gray hornit ox, stowin be yow vpone the thrid day of October last bypast, in the yeir of God j^m. v^c. fourscore fourtene yeris, quhilk ye can nocht deny. Acquytis.

ITEM, For the thifteous steling of ane yew from John Fyndla, at Hallowmes last, quhilk ye can nocht deny. Acquytis.

ITEM, For the thifteous steling, conseling, and away taking of ane ox from Alexander Mawer in Vrquhart, in the yeir of God j^m. v^c. fourscore tuelf yeris. Acquytis.

ITEM, Ye ar indytit and accusit, on your lyfis, for the thifteous steling and consaling of tua scheip, stowin from Alexander Logy at Spey, and Robert Hosak, vpone the xx day of August last bypast or thairby, and the officiar being commandit to daker your hous thairfor, thy wyf reife the officiaris handis and claithis, and vald nocht lat him daker the suspect places of the hous. Nocht the les, with greit difficultie, he fand within your hous the ischae of ane scheip, eirdit within the fyre harthe, togidder with four quhyt scheipis feit, and four blak scheipis feit, vpone the veschell buird, togidder with ane quarter muttoune vnder the almarie, and hen dirt and erthe scrapit on it. Drownit. Convictis man and wyf for the tua scheip, and convoying away of ane burding of geir at that same tyme to Lochnaboo.

As alsua, thow, the said Christiane, ran away with sum soddin muttoun in thy bosom, quhilk thy nychtbouris saw.

ITEM, The officiar forsaid fand behind ane bemer of ane veschell buird ane quarter of the said scheip.

Drownit.

As alsua, fand in your hous, sethand in ane pote, tua scheipis leuaris, tua hartis, with luingis and lichtingis, and all the remanent intrallis of the saidis tua scheip, and had apprehendit the talloun of thame vnles your guid brother had run away with it; lyk as, gif the officiar forsaid had bene sufferit to dakerit the rest of your hous, he had fund the skinnis of the scheip, quhilk ye can nocht denye.

Convictis the vyf herfor, in respect thai bayth being vardit in Spyne, the man fand fatilt with the wyf herfor, bot acquytis the man.

ITEM, Ye ar indytit for the thifteous steling and consaling of ane canves of sex elnis lenthe, stowin be yow frome Alexander Grant, burges of Elgin, vpone Sanct James day, in foure score tuelf yeris, quhilk ye can nocht deny; in takin quhairof ye redeliuerit the samen agane to the said Alexander.

Convict for resettaris of thift.

ITEM, Ye ar indytit for commoun notorious theiffis and resettaris of thift, outfang and infang thewis, quhilk ye can nocht deny. Quhilk dittae being red, the persones pannellit, be thame selffis and thair procuratour, Williame Gibsone, denyit, and offerit thame to the tryell of ane condigne assyse, quhais names followis:

Nomina assisae.

John Innes in Cottis.
Robert Vatsone in Pettinseir.
Alexander Hay of Foyneffeild.
Dauid Stronocht in Pettinseir.
Alexander Duncane in Threpland.
Patrik Sandris in Langbryd.
Barald Innes in Hatounc.
James Chalmer in Cokstounc.
Alexander Sandersone in Conlache.
Robert Innes in Kirkhill.
James Ogilwye, burges of Elgin.
Williame Dunbrek of Tortane.
Alexander Innes in Sklentok.
Alexander Layng in Fauldis.
Michaell Andersone in Wodsyd.
James Chalmer in Glenlattroche.
Thomas Adame in Garmoche.

Quhilk assyse, admittit and sworne, passit furth of judgment, and being ryplie aduysit with the dittae forsaid, haiffand God and guid conscience before thame, be Alexander Hay of Foyneffeild, chanceller of the saidis assyse, pronuncis the saidis parteis giltye of the crymes aboue vrettin, and to haue meritcit deithe for the samin. The judge ordanis thame to be tane to Lossye, and thair to be drownit quhill thai be deid, quhairvpone dome vas giffin.

The said day, James Robertsone in the Kirktoune of Dippill, being varnit to compeir this day to vnderly the law for the slauchter of [ ] at the boite of Spey, ofttymes callit and nocht compearand, was ordanit to be denuncit rebell, quhairvpone dome vas giffin.

That day, Alexander Gaderar become actit to tak bot tuelf penneis for the pynt of aill fra Sonday last, the auchtene of this instant, vnder the pane of ten pundis, quhill ane new ordour be tane thairanent.

The said day, anent the summondis reasit at the instance of Alexander Annand, procuratour fischale to my Lord of Spyne, summonding all and sindrie persones be oppin proclamatioune at the mercate croces of Narne, Elgin, and Forres, to compeir this day to gif in dittay, contrare Arthure M'Geleis, now in pannell, gif thai ony had. The said summondis being callit, and na persone nor partie comperand in the contrare, the judge ordanes the said Arthure to enter his persone in ward within the place off Spyne, thair to remaine vpone his awin expenssis, quhill he set cautioune of new to compeir in ane fensit Court of the said Regalitie, to be answerable vpone lauchtfull fyftene dayis as law will; for obedience of the quhilk ordinance, ane honorable man, Williame Ross of Killraakis, obleissing him, his airis, executouris, assignayis, and intromettouries, with his guidis, geir, rentis, landis, and leuing, quhatsumenir is becum actit to enter the said Arthur in maner forsaid, vpon fyftene dayis varning, under the pane of fyue hundreth pundis. And the said Arthure is becom oblessit for his releif, quhairvpone the saidis parteis requerit act.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be ane honorable man, John Innes of Leuchoris, bailyie principale thairof, the nyntene day of Januar, 1596 yeris, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

Alexander Stewart, present in pannell, thow art indytit and accusit on thy lyf, for the cruell slauchter of vmquhile James Andersone, sumtyme in Dranye, committit and done be the in the moneth of May, in the yeir of God j$^{m.}$ v$^{c.}$ fourscore ellewin yeris or thairby, for quhilk slauchter thow being chargit, to haue set souertie at ane certane day bypast, to haue vnderlayn the law for the fact forsaid, thow vas fugitiue and passit to the horn, at the proces quhairof thow yet remaines vnrelaxit, and thairby tuik the deid vpone the, quhilk thow can nocht deny. *Fatetur ad assisam.*

Nomina assisae.

Robert Sutherland, burges of Elgin.
William Young, burges thair.
John Gibsone, burges thair.
John Robertson in Kinneduart.
Thomas Alwes thair.
Gilbert Geddes.
James Stronocht.
Alex. Sutherland, burges of Elgin.
John Cokburn, in the Colledge.
Walter Auldcorne.
Johnne Annand of Murrestoun.
Androw Watsone in Pettinseir.
Thomas Petrie in Ogstoune.
Walter Russell in Kinneduart.
John Russell thair.
Alexander Mitchell in Balormye.
James Wysman, elder.
Alexander Russell in Kinneduart.
Androw Elshenour in Aikinheid.

Quhilk assyse passand furth of judgment, and being suorne and admittit, and being veill and ryplie aduysit with the dittaye forsaid, and returnand in judgment, haiffing God and guid conscience before thair eis, in respect of the horning aboue specifeit, producit in judgment with his maiesties commissioune following thairvpone, for taking, serching, seiking, and apprehending of the said Alexander, as lykvayis in respect of the said Alexanderis awin confessioun, be the mouthe of Johnne Annand of Murrestoune, chanciller of the said assyse, pronuncis the said Alexander giltye of the fact forsaid, and thairfor convicts him. The judge, in respect forsaidis, ordanis the said Alexander to be taikin to the water syd of Lossye, and thair his heid to be strickin frome him, quharvpone dome vas giffin.

Heidit.

The Court of the Lordschip and Regalitie of Spyne, haldin vpon the Water Syd of Lossie, be John Innes of Leucheris, bailye of the said Regalitie, the tuentie of Januar, 1596 yeires, the suittis callit, the Court lauchfullie fensit and affermit, as vse is.

Intrantes in pannell.

Williame Cwe in Middiltoun.
Helen Apie, his spous.
John Alshenour.

Acquytis.

Williame Cwe in Middiltoune, and Helen Ape, thy spouse, ye ar indytit and accusit on your lyfis, for the thifteous steling and away taking frome

Alexander Cuming in Middiltoune, of thre scheip, stowin be yow frome him at diuerse tymes, quhilk Margaret Kellie, thy seruand, confessit to Williame Farquhar, and John Cwe, thy fathers brother, and the said Alexander, dakerand thy hous, fand ane quarter of the said scheip with yow, for quhilk ye offerit him compositioun, quhilk ye can nocht deny.

ITEM, For the thifteous steling of tuentie geise from the said Alexander, quhilk geise the said Margaret Kellie challengit in thy possessionne, and thow confessit to her thow had tane bot six thairof, quharof thou redeliuerit twa. Acquytis.

ITEM, For the thifteous steling of ane yew frome Thomas Cwe, in Middiltoune, in the moneth of September last, quhilk scheip the said Thomas followit to thy cote, and, becaus scho vald nocht sinder frome thy scheip, he left hir that nycht, and the morne thairefter, the said Thomas cumand to seik his said scheip in the cote, culd nocht find the samin. *Negarunt ad assisam.* Acquytis.

Johnne Alshenour, thow art indytit and accusit on thy lyf for the thifteous steling of ane pan, ane belt, ane quhinger, ane saifgard, ane pair of slewis, tua pair schankis, ane pair schone, three or four apronis, with lint and hempt, stowin by the frome James Junkene in Mekle Innerlochte. Convict.

ITEM, For ane cabok of talche of ane stane vecht.

ITEM, For the thifteous steling, breking, and away taking frome John Stewart, seruitour to George Ogilwye of Auchen, of ane kist, and taking furth thairof of ane plaid, and pistolat, and mekle vther geir, for quhilk thow was fugitine, quhilk thow can nocht deny. Convict.

ITEM, Being indytit of befor in presens of the shirref of Murray and his deputtis for certane pointis of thift, thow being giltie, vas adiudgit and convict be ane assyse, and the schiref cansit the be scurgit, quhilk thow can nocht denye. Convict.

ITEM, For ane commonne theif and vagabound, nocht haiffing thir duierse yeris bygane ane maister, nor na traid of lyf to win thy lewing bot be stowthe, quhilk thow can nocht deny. Drownit.

Denyit the haill pointis of dittae, and offerit him to the tryell of ane assyse.

Nomina assisae vpone William Cwe, Helene Ape, and John Ashenour.

James Chalmer in Glenlattroche.
John Scote in Blairnahale.
Williame Farquhar in Eistertoun.
Androw Smyth in Birney.
James Mar, elder, thair.
Alexander Sandesone in Conlache.

Androw Donaldsone in Gedloche. Thomas Grant in Letoche.
Thomas Cwe. John Findlae in Kelles.
James Man, younger.
John Rob in Reidlone.
Thomas James in the Colledge.
Gilbert Adame in Quhytfield.
George Dik in Birnay.
Alexander Cuming in Middiltoun.
Alexander Annand, apperand of Murrestoun.

Quhilk assyse being sworne and admittit, passand furth of judgment, and being veill and ryplie aduysit with the dittay forsaid, and euerie point thairof, and returnand agane in judgement, haiffing God and guid conscience before thair eeis, and returnand agane in judgment, be the mouthe of Alexander Annand, chanciller of the said assyse, pronuncis the saidis William Cwe and Helene Ape, his spous, acquyte of the dittae forsaid, and euerie point thairof, and convictis the said John Aschenour. The judge thairfor ordanis the said John to be taken to the water of Lossye, and thair to be drownit quhill he be deid, quharvpone dome vas giffin.

Drownit.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be ane honorabill man, John Innes of Leuchoris, bailze principale thairof, the fyft day of Februar, 1596, the suittis callit, the court lauchtfullie fensit and affermit, as vse is.

That day, Alexander Annand, procuratour for ane noble lord, Alexander Lord of Spyne, desyrit William Farquharsone of Kelles to be compellit to mak compt and rakning to my lord and his chalmerlardis, of four kiddis, four geise, four dosin poultrie, and four bollis custome aittis, yeirlie addettit be the said William, and payit to the said noble lord furth of his landis of Kelles, and restand vnpayit this sewin yeris immediatlie preceding, comperit the said William, and offerit compt, rakning, and payment, and the bailzie has assignit to him to that effect, the tent of this instant, within the Chantouris Hous in Elgin.

The Heid Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be an honorable man, John Innes of Leuchouris, bailye principale thairof, the nynt day

of Apryle, j^m. v^c. fourscore sewinteine yeiris, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

Absentes.

Erle of Huntlie.
My Lord Lowet.
M'Intosche.
Rothemurkus.
James Grant of Eister Elches.
James Grant of Vaster Elches.
Pethnik.
George Ogilwye of Aucharne.
John Ogilwye of Miltoun.
Sir John Gordoune of Petlurge.
Dauid Ross of Holme.
Duncane M'Gilleis of Auchmony.
John Stewart of Kincardin.
William Fraser of Foyer.
Robert Innes of that Ilk.
Robert Lesle of Finrase.
Patrick Dunbar of Kilboyak.
John Annand of Murrestoun.
William Gibsone of Schirefmylne.
William Farquharsone of Kelles.
Thomas Cuming of Altyre.
Ernissyd.
Patrick Dunbar of Dyk.
Thomas Caldonr and his spous, William M'Imdowye and Elzabeth M'Quen, all amerciat for not giffin suite and presence to this Heid Court, and ordanit ilk ane to pay fourte pundis thairfor, quhairvpone dome vas giffin.

Nonentrie.

Ballewat.
Drumrioche.
Enrory.
Cawodowr.
Adnoky.
Bugget.
Fluies Moir.
Birkinburne and Auchindeithe.
Kirktoun of Dippill.
Kirkhill of Sanct Androus.
Kirktoun.
Dawey.
Salterhill.
The haill landis pertening to the Laird of Grant, haldin of my Lord of Sypne.
The landis of Kilravokis, all in the superiouris handis, for none entrie of the rychteous air, quharvpone dome vas lykvayis giffin.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murray, be an honorable man, John Innes of Leuchouris, bailye principale thairof, the secund

day of September, 1597 yeris, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

The said day, William Muterar in Kinneduart, being accusit for the cuming to John Nicoles house, the said John Nicole being in his bed, and thair maist vnnaturale and vngodle struik the said Johne in the left oxstair with ane knyfe, to the effusioune of his bluid in greit quantite, and efter the straikin of him, reft and away tuik frome him ane gray plaid, pryce fywe merkis, committing thairby manifest oppressioune and hame suckin, quharbe the said Nicole is abill to lose his lyfe, comperit the said William Muterar, and confessit the bluid drawing, for quhilk he come in the judges will, as lykwayis confessit the haiffing of the plaid, quharvpone the persewar requerit act.

That day, the judge fering the said Johnne Nicole to die of the straik forsaid, the samin being in ane very perrellous place, ordanis the said Williame Muterar to remaine in ward, ay and quhill he set sufficient and responsale cautioneris, actit in thir buikis, that he sall compeir befor me, and my deputtis, in aue fensit court, to be haldin within this place, vpone fourtie aucht houris varning, in caice the hurt man die of the straik, and that vnder the pane of fyve hundreth pundis, quha for his releif of ward, and obedience of the charge set aud fund, James Vysman, younger, in Kinneduart, cautioner for him in manner forsaid; quhilk James Wysman obleissing him, his airis, executouris, and assignayis, and intromettoris, with his guidis, geir, rentis, landis, and lewing quhatsumewir, is becum obleissit for the said William, his entrie in maner forsaid, vnder the said pane of fywe hundreth pundis; and the said Williame Muterar, oblessing him, his airis, and assignayis, is becum actit to releif the said James Wysman of his cautionerie forsaid, and of all perrell, danger, and inconvenient that thairvpone may result, quharvpone the saidis parteis requerit act.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be ane honorabill man, John Innes of Leuchouris, bailye principale thairof, the tuentie sewint day of Januar, the yeir of God j$^{m.}$ v$^{c.}$ fourscore sewintene yeris, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

Intrantes in pannell.

Williame Roy.

Thow art indyttit and accusit, on thy lyf, for the cuming to Dandaleyth, in the yeir of God j$^{m.}$ v$^{c.}$ threscoir nyne yeiris or thairby, to Margret Hayis

hous, and thair thow and thy complices thifteousle stae fra the said Margret sex firlottis meill, ane pair scheittes, ane pair of plaiddis, ane sek, fyve elnis of lynning, tuelf hespis of yairne, with ane quarter of lint, ane poite, ane cruik, and for the cruell binding of the said Margret with hir belt and hedles, and leiffing hir bund, quhilk poite thairefter was apprehendit with the.

Item, Thow art indytit and accusit, on thy lyf, for the thifteous steling, detening, and withhalding of tua scheip, furth of Daltullie, frome Williame M'Gillemithel, for the quhilk thy hous vas dakerit be John M'Kair, officiar to vmquhile James Grant of Elches, and findand the hous woid, was passit fra the samin, and luiking bak agane, the forsaid officiar persawit ane corbie pluk furth woll out of the top of thy hous, the saidis tua scheip saltit in ane troche, in the rigging of thy house, vpon the quhilk deid the officiar tuik vp thy geir, and thocht to have presentit the to ane court, and this thow did in the yeir of God j$^{m.}$ v$^{c.}$ and fourscore yeris, quhilk thow can nocht deny.

Thridlie, Thow art accusit and indytit for art and part and ressait of the half of ane broune cw, fra Donald Ross and Williame Gordoune, than in Aberlour, quhilk cw, with vtheris sex heidis, was stowin fra ane seruand of the Laird of Findlatouris, furth of ane towne in Descort, be the said Donald Ross, and being quykle followit be the guidman of Allanboy, and the barroune of the Boit of Spey, at his instance, the sex heid war fund in the lyne of Ruddery, with Arthure Mule, and tane hame agane be the guidman of Allanboy, and this thow did in the yeir of God lxxxi yeiris, quhilk thow can nocht deny.

Item, For the thifteous steling, concealing, and detening of an ox, quhilk thow stae fra the guidman of Auchmadeis seruandis, in fourscor twa yeris, quha var calland guidis to Ross, quhilk ox vas thairefter fund in thy barne, and tane furth be the barroun of the Boit of Fiddiche, quhilk thou can nocht deny.

Fyftlie, Thow art indytit and accusit for the thifteous steling of tua rammis and thre vodderis, fra William Stewart in Aberlour, in the yeir of God fourscore thre yeiris, quhilkis being fund with the quhen thow was challencit thairfor be the said William, thow componit with him for the same, to the effect he suld conceale thy thift, quhilk thow can nocht deny.

Saxtle, Thow art indytit and accusit for art and part of the thifteous steling of sewin horse furth of the landis of Daginsche and Garbatie, in fourscore sewin yeris, stowin frome Williame Rob and James Duncane, and thairefter transportit be the to Glenchairnyche.

Convict. *Sewintle*, Thow art accusit and indytit for art and part and ressait of the thifteous steling of ane broune meir, stowin furth of Stratherne, fra M'Allane Rioche, quhilk meir vas fund in thy possessioune, and deliuerit hame agane be the in presens of Archinbald Grant in Balnatome, quhilk thow did in fourscoir fourtene yeris.

Auchtle, Thow art indytit and accusit for art and part of the steling of thre horse furth of Badyenocht, in fourscore fyvetene yeris, frome Lauchlane M'Williame M'Intosche, quhilk was fund with the in Elches, the guidman thairof being fra hame; and, becaus the guidvyf vas with the angrie, thow causit transport thame furth of his boundis to the Kenmoir to the eldest sone, quhilk thow can nocht deny.

Convict. *Nyntlie*, Thow art accusit and indytit on thy lyf for art, part, red, and counsall of the thifteous steling, concealing and awaytaking, and withhalding, in fourscore saxtene yeris, of ane dornik towell, tuelf dornik serviattis, four lynning towellis, fyue quarter breid, with aucht vnce of silk pasmentis, fiue vnce of blak stiking silk, ane coit, ane sark, ane barkit hyd, furth of Lauchlane Grantis hous, in Elches, thy dochter Christiane Roy, being kepand the hous, and offerit compositioune and theiffis buit, to wit, ane hundreth pundis thairfor, quhilk thow can nocht deny.

Item, Thow art indytit and accusit for the ressait of an quhyt hornit thre yeir auld scheip, fra Patrik M'Ky, than schipperd to the guidman of Carroun, in fourscore sewintene yeris.

Convict. *Forder*, Thow art accusit and indytit for art, part, red, counsale, and ressait of the soume of tua hundreth pundis money, with fourscor tua cheis, and three bollis meill, stowin furth of Lauchlane Grantis house, in the moneth of September last, be John Roy, thy sone, for the quhilk geir thow offerit compositioune to the said Lauchlane, as is notourlie knawin be Valter Arderis in Alloquhy, Patrick M'Robert thair, and John Cruikschank in Daltulle, quhilk thow can nocht deny.

Hangit.

Convict. *Finale*, Thow art indytit and accusit for ane commoune theife, art, part, counsale, and ressait of thift, outfang and infang theife, quhilk thow can nocht deny.

The said William being in pannell, constitute Alexander and George Annandis and Johne Grant in Foynes, his procuratouris, to defend for him, and Lauchlane Grant haiffing set cautioune to persew the said William, hes informit William Gibsone, procuratour fiscale, to persew.

Comperit the defender, being persewit be the dittae aboue vrettin, and be himself and his procuratouris, alledgis that the dittae giffin in, be and at

the instance of Margret Hay, can nawayis be comptit ane dittae aganes the partie, and that in respect scho is nocht present to gif hir aith, quhilk is requesit of the law, in respect of the act of Parliament, that all persones gewaris vp of dittae, are ordanit to sueir vpone it. *Secundlie*, It is an actioune of personale deid, alledgit done be ane persone to ane vther, quhilk requiris the personale presens of the persewar, in respect thair is nocht ane fang presentit, nather is the alledgit fact resent.

Thridlie, Thair is nocht ane speciale taikin quharbe the defendar may be reput or haldin as ane doar of the alledgit fact forsaid, and sua that dittae is nawayis competent to accuise the partie, nather suld pass to ane assyse, quharvpone desyris interloquitor.

Anssueris the persewar befor interloquitor, that the dittae is sufficient aneuche to quarrell ane malefactour, and ane poite apprehendit with him in taikin of the treuth of the dittaye.

To the second poynt of dittaye, it is answerit, that it can nocht be comptit as ane dittay, in respect thair is nocht ane speciall persone contenit in dittay, and quhair the alledgit dittae is alledgit to be serwit be ane officiar, we desyre the officiar to be present to afferme the samin, or ane executioune of the officiare quhair he vsit his serwing. The persewaris findis the same nocht worthe of ane answer, bot referris the same to the assyse.

Anssueris to the thrid and remanent poyntis aboue vrettin, *vt supra*.

The judge be interloquitor, ordanis the defendar to answer to the dittay *negatiue* or *affirmatiue*. *Negat ad assisam.*

Nomina assisae.

Thomas Vricht in Comrak.
Petre Farquhar in Fischartoun.
Peter Farquhar in Keldulle.
John Stewart in Eskinbow.
Alexander Dene, miller at Rothes.
Thomas Schand in Rothes.
Augustine Baxter in Blakhill.
Allane Ramsay in Maynes of Rothes.
John Ego thair.
William Chalmer in Rothes.
John Gordoune of Curredowne.
Thomas Hay, merchant.
Robert Innes in Kirkhill.
Androw Murray.
Alexander Innes, saidler.

Quhilk assyse abovevrettin being admittit, and sworne, and passand furth of judgment, and being veill and ryplie aduysit with the dittaye forsaid, and eurie poynt thairof, and returnand agane in judgment, be the mouthe of Johnne Gordoune of Curredowne, chancellor of the said assyse, pronuncis

the said William Roy giltie of the gretest part of the dittay abouevrettin, and thairfor to haue mereteit deithe.

Hangit. The judge thairfor ordanis the said William Roy to be had to the gallous beyond the Bischopmiln, and thair to be hangit quhill he be deid, quharvpone dome vas giffin.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be ane honorabill man, Johnne Innes of Leuchouris, bailye principale thairof, the xxiiij day of Februar, 1597, the suittis callit, the Court lauchtfullie fensit and affermit, as vse is.

That day, anent the petitioune giffin in be Valter Strautquhyne, eldest lauchfull sone and apperand air to vmquhile Robert Straquhyne, his father, induellar in the College, to the persones of inquest efter mentionat, saying vnto thair wisdomes that the said vmquhile Robert deit last vestit, and seasit as of fie, at our souerane lord the kingis grace, fayth and peax, in all and haill the mansioune, yaird, and croft of the samin, lyand within the said colledge, and amangis the Channoune Croftis of the said Cathedrale Kirk, callit the mansioune and croft of the personage of Spyne, lyand wpone the southsyd of the said colledge, betuix the mansiones of Duffus and Vnthank *respectiue* at the eist, and the mansioune of the personage of Advey and Cromdale at the wast, extendand fra his maiesties hie gait of the said colledge at the northe, to the stane wall that circuattis the said colledge at the south, and the said croft lyand amangis the said Channoune Croftis, betuix the croft of the Thesaurie of Murraye at the eist, and the croft of the Chancellarie of Murraye at the vast, extending fra the landis of Pannis at the north, to the landis of James Douglas, sumtyme provest of Elgin, at the south, and within the schirrefdome of Elgin and Forres; and that he is narrest and lauchfull air to his said umquhile father of the said mansioune, croft, and yaird, with thair pertinentis, and that he is of lauchfull aige; and that the said mansioune, croft, and yaird ar now worthe the soume of twentie sex schillingis aucht penneis vsuale money, and war worthe, the tyme of peace, the samen soume, and that the samen ar haldin of his maiestie and his successouris, kingis and queenis of Scotland, in few and heretage, be vertew of the Act of Annexatioune, annexing the temporale landis of prelattis and channounis to the patrimony of his hienes crowne: Desyring heirfor to be seruit in the said mansioune, croft, and yaird (reservand the lyfrent therof to Issobell Innes, my mother), and retourit vnder your seillis

and seill of office, conforme to the vse. And, *ex aduerso*, comperit Williame Gibsone, for staying of the seruice, and alledgit him to haue ane speciale interesse to the landis acclamit, and that in respect of ane assignationne alledgit maid to him be the rycht honorabill Alexander Innes of Crommy, to ane letter of reuersioune maid to the said vmquhile Alexander, his airis and assignayis, be William Hardy, burges of Elgin, to quhom the saidis landis var annaleit, quhilk assignatioune forsaid is intimat to the said William Hardy, *tempestiue*, and conforme to the said assignatioune varnit the said Williame Hardy, and all pairteis haiffand interesse, to compeir the [ ] day of [ ], being Vitsondayis ewin last, this instant yeir of God j^m. v^c. fourscore sewintene yeris, within the parroche kirk of Elgin, thair to resaue the sowme of sax scoir pundis money, as the sowme contenit in the said reuersioun, for redemptioun of the saidis landis; and nane comperand to resaue the same, consignit the said sowme in the handis of Alexander Boynd, ane of the bailyeis of Elgin for the tyme. In respect quhairof, protestis quhatsumenir salbe done in this seruice salbe nawayis prejudiciale to the said Williame his rycht.

Comperit Issobel Innes, lyvrentar of the saidis landis, and Robert Sutherland, hir spous, for his interesse, and Walter Straquhyne, sone and apperand air to the said Robert, and protestis that the assignatioune forsaid, alledgit be William Gibsone, nor nathing following thairvpone, salbe preiudiciale to thair lyvrent rycht, nather to the said Walteris richt as air to his said vmquhile father, in respect the same vas newer intimat to thame and the said William in the contrare. And siclyk, the said Issobell Innes and Robert Sutherland, hir spous, protestit that quhat suld be done in this seruice suld navayis be preiudiciale to hir lyvrent richt of the saidis landis, and thairvpone tuik act.

Nomina inquisitionis.

Johnne Annand of Murrestoun.
William Innes, eldar.
William Innes, younger.
Johne Gibsone, burges.
James Petrie.
Robert Innes.
John Innes, eldar.
James Caldour.
James Young.
George Vanis.
Alexander Grant.
Johnne Lesle.
Robert Sutherland.
Johnne Bonyman.
Johnne Gordoune of Curredowne.

Quhair na persone nor partie compeirit to oppone contrar the breife, petitioune, executioune, indorsatioun, and persones of inquest (except befor opponit), the persewar tuik act, and siclyk the judge protestit for himself and in name of the haill assyse.

Quhilk inquest being electit, admittit, and sworne, and passand furth of judgment, and being veill and ryplie aduysit with the petitioune forsaid, euerie point thairof, and with the proces producit for instructioune of the samin, and returnand agane in judgment be the mouthe of Johnne Gordoune in Curredowne, chancelar of the said assyse, in name of the haill inquest bot oppositioune, seruis, conforme to the petitioune and proeces forsaidis producit for instructioune of the samin, quhairvpone the said persewar requerit act.

The Court of the Lordschip and Regalitie of Spyne, haldin within the Jewale Hous of the Cathedrale Kirk of Murraye, be ane honorabill man, Johnne Innes of Leuchouris, bailye principale thairof, the tuelf day of Junij, 1599 yeris, the suittis callit, the Court lauchfullie fensit and affermit, as vse is.

That day, comperit Thomas Hepburne, lyvrentar of Mekle Innerlochte, heretable proprietar of the fyft part thairof, foundit within the Cheplanrie of Sanct Johnne the Baptist, within the Colledge of the Cathedrale Kirk of Murraye, and producit ane bailyie precept, deulie execute and indorsit to this day, quharbe Dauid Jnnkene in Mekle Innerlochte, William Layng thair, Androw Jnnken thair, and James Smyth thair, pretendit tennentis and occupearis of the said fyft part, toun and landis, with houssis, biggingis, toftis, croftis, partis, pendicles, and pertinentis of the samin, lyand within the schirrefdome of Elgin and Forres, var lauchfullie summonit to this day, to heir and se thame be decernit be decreit of Court, ordour of law and justice, to haue bene lauchfullie varnit be persewaris precipt of varning, fourte dayis befoir the feist of Vitsonday last bypast, in this instant yeir of God j$^{m.}$ v$^{c.}$ fourscore nyntene yeris, to haue flittit and remoifit thame selfis, thair wyfis, barnes, famelie, subtennentis, cotteris, gudis, and geir furth and fra the saidis landis, with thair pertinentis, lyand as said is, ilkane of thame for thair awin partis, and to haue decistit and ceissit fra forder occupatioun thairof in tyme cuming, conforme to the desyre of the said precept, and for instructioun of the lybellit precept forsaid, producit the persewaris precept of varning, subscryuit with his hand fourtie dayis befor the said feist of Vitsonday forsaid, deulie execute and indorsit, togidder with his instrument

of seasing of the landis lybellit, and conforme thairto, desyrit proces and decreit.

Ex aduerso, Comperit George Annand, alledging him to be cheplane and superiour of the landis acclamit, and desyrit to be admittit for his interesse, and for instructing thairof, producit ane decreit of the lordis vpone ane gift, of the dait at Edinburgh, the xxvi of July, fourscore threttene yeris, vnder the signet and subscriptioune of Alexander Hay, clerk of registre.

Answeris Hepburne, George Annand has na interesse to insist in the mater, as alledgit superiour, be vertew of ony richt alledgit grantit to him in the fourscore threttene yeir of God, as the decreit producit, of the dait the tuentie saxt of July, fourscore threttene yeris, relatiue to ane alledgit gift, daitit the tent of August, in fourscore tuelf yeris, subscriut be Alexander Hay, last clerk of the registeris, proportis, in respect of the Act of Annexatioune, set downe in the act of his hienes allewint parliament, and tuente nyne chepdour thairof, intitulat The annexationne of the temporalitie of the benefices to the Croun. Be the quhilk act, all and quhatsumewir landis, few males, and dewteis of quhatsumewir abbacie, priorie, prebendarie, or cheplanrie, quhairewer thai be cituat within this realme or dominioun thairof, the propertie and patrimonye thairof to appertene to his Cronne, sua that thairby his Maiestie is only and vndoutit superiour of the saidis landis lybellit. In respect quhairof, the said George hes na entres in the said mater.

Answeris Annand, That he is superior to the saidis landis, and that he hes bene in vse continuale be vptakin of males and deuteis of the saidis landis, preceding the fourscoir auchtene yeir of God, sen the said George entres to the said cheplanrie, and thairfor aucht to be hard for his interesse.

Answeris Hepburne, That the vptaking of deute is na superiorite.

Alledgis Annand, That in the said Act of Annexatioune, that sic cheplanreis ar reseruit to studendis at grammer sculis.

The jndge hes tane to gif interloquiter in this cause the sewint of July nixt, the parteis and procuratouris varnit heirto *apud acta*, and contenewis the tennentis entres to that day, gif thai ony haue, to propone the samin. [Before next court day, the parties settled the matter amicably.]

Actum in presentia Bailliui, infra Palacium de Spyne, quarto Septembris, 1599.

That day, James Crombie in Spyne, obleissing him, his airis, and assig-

nayis, is becum cautioune of lawborrowis for Johnne Robesone in Myrsyd, that James Stewin, his wyf, barnes, men, tennentis, and seruandis, salbe harmles and skaythles of the said John, in thair bodeis, landis, heretagis, takis, stedingis, rowmes, and possessiounes, and nawayes to be molestit nor trublit be the said John, nor na vtheris of his causing, command, assistance, nor ratihabitioun, quhom he may stop or lat, directlie nor indirectle, vthervayis nor be ordour of law and justice, in tyme cuming, vnder the pane of ane hundreth merkis. And the said Johnne is becum actit for his releif, vnder the pane forsaid, quharvpone the saidis persones requerit act of Court.

That day, the said Johnne Robesone deponit he dred the said James Stewin bodelie harme, and thairfore the judge ordanit him to set law souertie, quha, in respect he culd nocht find ane for the present, the judge ordanis him to set cautioune vpone the saxt of September nixt, or vthervayis fra that furth to remane in vard ay and quhill he set cautioun.

Actum in Cimiterio burgi de Elgin, sexto Septembris, 1599, *in presentia balliui principalis Alexandri Innis de Cottes et Jacobi Law.*

That day, for obedience of the act aboue vrettin, comperit Thomas Moreis in Myrsyd, and obleissing him, his airis, and assignayis, is becum actit as cautioner of lawborrowis for James Stewin, that Johnne Robesone in Myrsyd, his men, tennentis, and seruandis, salbe harmles and skaythles in thair bodeis, landis, heretages, *etc.*, of the said James, and all quhome he may stope or lat, directle or indirectle, vthervayis nor be ordour of law and justice, vnder the pane of tuentie pundis; and James and Alexander Stewinis ar becum oblissit, in maner forsaid, for releif of the said Thomas Moreis; and the said James Stewin is becum obleissit, obleissing him and his forsaidis to warrant, frie, releif, and keip skaythles the said Alexander Stewin and his forsaidis, quhairvpone the saidis parteis tuik act.

2 August, 1600. That day, the bailye statutes and ordanis that na persone that sal happin to be banischit furth of the brughe of Elgin, salbe ressauit within the Colledge, vnder the pane of fourtie pundis.

The Court of the Lordschip and Regalitie of Spyne, haldin vpon the Vater Syd of Lossye, besyd Bischopmiln, be ane honorable man, John Innes of Leuchouris, bailye principale thairof, the tuelf day of May, 1601

yeris, the suittis callit, the Court lauchfullie fensit and affermit, as vse is.

Intrant in pannell, Williame Chayne.

Williame Chayne, thow art indytit and accusit, on thy lyf, for the cuming, vnder silence of nycht, to Androw Branderis hous, in Langhill of Mestis, and thair brak vp ane kist of Johnne James, and efter the breking of the said kist, thifteouslie staw and away tuik threttie schillingis siluer, with ten quarteris quhyt clayth, quhilk thow can nocht deny. *Fatetur.* Convict.

Item, For the cuming to James Wyssmanis elderis hous, in Kynnedour, vpone Setterday last, and thair vnder silence of nycht, at xii houris at midnycht, and thair schoite the said James hall dure, and thairout thifteouslie stae tua gray pladdis, tua coittis, tua pair of brekis, ane pair of schort hoise, ane pair of schone, with tua beltis and durkis, quhilk thow hes instantlie in thy possessioune, quhilk thow can nocht deny. Hangit.

Item, For the thifteous steling furth of Scotfauld, fra James Robertsone thair, of ane scheip, for quhilk thow vas attachit and convict, and in houp of amendament, put to libertie, and for satisfactioun of the deid thow gaif thy plaid. *Negat.* Convict.

Item, For the cuming to Bischopmiln, vpone Fryday last, at midnycht, and thair thifteouslie stae away the tua pikis of the miln, quhilk thow can nocht deny. Convict.

Item, For the thifteous cuming to James Cumingis hous in Aberlinkvod, and thifteous steling furth thairof of tua scheittis, quhilk thow can nocht deny.

Item, For ane commoun theife and vagabound. Convict.

The dittae aboue vrettin being red, confessit the samin, and offerit him self to the tryell of ane assyse.

Nomina assisae.

Alexander Cuming in Kynnedour.
Alexander Stronocht in Ardewat.
John Vinchister.
James Wysman, younger.
Richert Vysman.
Alexander Russell.
Walter Russell.
John Russell in Newtoun.
Thomas Grant in Hilltoun.
Thomas Hepburn.
Alexander Alwes in Ardewat.
William Farquhar in Birnay.
James Man thair.
William Man thair.
Alexander Thome in Quhytley.

Hangit.

Quhilk assyse being admittit and sworne, and passand furth of judgment, and being aduysit with the dittae forsaid, and returnand againe in judgment, be the mouthe of Alexander Cumin, chancellor of the said assyse, convictis the said William in the poyntis of dittay forsaid.

The judge ordanis the said Williame Chayne to be had to the gallous, and thair to be hangit quhill he be deid, quharvpone dome vas giffin.

X.

EXTRACTS

FROM THE

MANUSCRIPT COLLECTIONS OF THE REV. ROBERT WODROW.

M.DC.V—M.DC.XCVII.

EXTRACTS

FROM

THE MANUSCRIPT COLLECTIONS OF THE REV. ROBERT WODROW.

M.DC.V—M.DC.XCVII.

I.

THE SYNODS OF ABERDEEN AND MURRAY TO KING JAMES VI.

It may please your sacred Majestie,

The gryt necessitie of our effaires in generall, and of the particular dealing wee have this lang time haid with the Marques of Huntlie, does enforce us in all reverence and humbill submission to acquaint your Majesty with all our proceedingis and present difficulteis, quhairwith we ar straitit, and that be ane of our awin number, our loving brother, Mr. Jhone Forbes, off whome baith for his fidelitie and uprichtness, and for his sincere affectioun, borne to the advancement of the kingdome of God, your Majesties service, and peace of the land, we haiff maid speciall choise, and have authorisit him with our commission toward your hienes, beseiking your Majestie in all humbill and hartlie affectioun to grant him your Majesties gratefull acceptance and favourabill countenance, with ane indifferent care in his delyverie of suche thingis to your Majestie as we have committed to his credit, trusting so far to the constant assurance quilk our hartis does still brook of your Majestys unchangeable stedfastness and continuance in your hieness godlie zeal and fordwart affectioun, ever hitherto borne, and at all tymes clearlie manifestit, to the maintenance and promoving of the licht and libertie of the gospell of Jesus Christ, not onlie in the mater off doctrine, but also in the ordour of government and discipline therin manifested, that gif your Majestie graunt him audience but prejudice, he sall giff your Majestie ane full contentment of all proceedingis, and sall obten at your Majesties handis

ane gratious answer to all our humbill and lawfull desyrs, all tending to the glorie of God, advancement of your hienes honor, and forder quyeting of your Majesties subjectis. The report quhairof, committing to the sufficiencie of our Commissionar forsaid, in all reverence, submissioun, and humilitie of our hartis, we tack our leave, beseeking God to graunt to your Majesty long and prosperous reigne. From our Assemblie, at Aberdein, the twentie ane day of Februar, ane thousand sex hundreth and fyve yeiris.

Your Majesties humbill subjectis,

A. Blackburn. P. Blackburne.
Chairlis Ferm. David Raitt, Moderator.
Ad. Burnett, [ ]. Mr. James Ross.
Mr. Robert Reid, Scryb to the Provinciall Assemblie of Aberden.
Mungo Guthrie, Moderator of the Provinciall Assemblie of Murrey.
George Dovelas, ane of the Commissionaris of Murray.
Dundas, Commissionare for Murrey.

II.

THE BISHOP OF MURRAY TO KING JAMES VI.

Most sacred Soverane,

May it please your most gratious Majesty. The kirk of Keyth being vacand sence the bishopp of Aberdein his transportation, it requyres not onlye a learnit man, bot also a pastor conforme in all poynts to your Majesties directions, and actis concludit in the last Assemblye at Perth. I humblye intreat your Majesty, for your hienes letter to the Lord Uchiltrie, quha is patrone, that he present no man to me bot ane quho will conforme himself to these articilis: another letter to myself inhibitting me to admitt ony persone to that kirk, or ony uther within my diocess, that refuses to conforme himself to these articles. My dyoces is free yitt, and I sall be carefull that nane cum within the samin utherwayes disposed then your Majesty hes alwayes prescryvit, quhilk sall be my constant care to your Majestys service and obedience. [ ] two letters will be a sufficient reassoun to refuise all utheris contrary myndit, and thus humbly craiffing your Majestys pardon that I suld impaisch your hienes more than serious

adois. I earnistlye commend your Majesties loyall persone, state, and royall posteritye, unto the Lordis perpetuall mercye and favour, for many happe yeiris in this lyfe, and last eternalye in heavene.

Your gratious Majesties most humill and affectionat subject, and loyal servitour to death,

A., B. of Moraye.

III.

THE SYNOD OF ABERDEEN TO KING JAMES VI.

Sir,

It may please youre most excellent Majesty. Maist humbill subjectis of the province of Aberden lamentabillie offeris to your Majesty the greiffis of the kirk, and all good men in our boundis, quhilkis, except your Majesty provyde speedie remeid, baith kirk and commone weill are licklie to fall in ane miserabill confusioune in thir north pairtis of your Majestys realme.

First, That Mr. Jhone Hamiltoune, Mr. James Setone, Luik Gordone, and utheris, uncouth priestis and jesuitis under them, are receat and are hard saying mass in Cathness, Sudderland, and this province, be great men and utheris under them, abusing the sacrament of baptisme to their infantis, sparsling Hamiltouns blasphemous new book amangst them, and seducing them everie way that ar simpill.

Secondlie, That the Lairdis of Gicht and Newtone, excommunicat papists, cheiff mantenaris of these things, are sufferit, and no ordour tane with them.

Thirdly, That quhen the ministrie of the Synodis of Aberdein and Murray laboris be the censuris of the kirk to reduce my Lord Marques of Huntlie and Earll of Erroll to the acknowleging of the treuth and leaving of papistrie, they are continuallie dischargit be your Majestys letteris of horning.

Fourthlie, That ane great number of kirkis planted in this countrey are leaft altogether desolate, be the lang continuing in ward of their pastoris, seing the maist pairt of utheris kirkis are unplantit.

Fyftlie, Be the occasion, the maist pairt of the rest of the ministrie are contemnit and rayled upon, and ther doctrine not hard, and discipline mocked, and jesuits enteris in the kirkis, and parochinis wanting pastoris.

In commonweill, *First*, Monye deadlie feudis arysin amangst Forbessis and Irwingis, Leslyes and Leythis, quhilk are licklie be thair pairties to draw on the haill countrey to bloodie factionis.

Secondlie, That everie man that plesis wearis gunis, pistolis, rydis with jacks, spearis, knopsknais, without controlment.

Beseiking herfoir your Majesty in all humilitie and reverence to caus and command the saidis enormities to be stayit, that your Majestys good subjectis of thir pairtis may live in the fear and service of their God, and your Majesties obedience, and so the glorie of God and his trewth being reverencit, your Majesty may procure the continuance of his blessing, and prosperous regne to your self, and peace to your Majestys good subjectis; and so praying most earnestfullie for the samen, we tak our leave from our Synod, at Aberdein, the twentie day of Februar, 1606 yeares.

Your Majesties humbill servitoris, and daylie oratoris,

Mr. Jon Shuthauche, Moderator of the Synod.

P. Blackburne.

Mr. R. Reid, Scribe to the Assemblye.

IV.

THE EARL OF DUNFERMLINE TO KING JAMES VI.

Maist sacred Soverane,

I crave your Majestys favour that it may be lesome to me giff entrie to this letter, with some report of the antiquitie. I think to a man that hes delyted all his dayes in letters wryting to the maist learned and wyse kyng in the warld, it can nocht be imputt to great amisse, albeit some memorie of learning be intermixed thairin. I red that Marcus Scaurus, a man of great renoune amangis the Romanes *florente republica*, being accused by Quintus Varius of a verie odious cryme, that he sould haiff ressaved money fra the King Mithridates for to betray the affaires of Rome. Efter his accusar had deduced all argumentis and probatiounes he could devise, he used naa other defence but this, *Quintus Varius ait, Marcum regio pecunia corruptum, rempublicam prodere voluisse. Marcus Scaurus huic culpae affinem esse negat, utri magis credendum putatis.* Whilk defence

was followed with the acclamation of the haill peple, condemning the accusar as a calumniator and a lyear, and acknowledging the defendars undoubted vertew and honestie. Maister Jhone Forbese, a condemned traitour for his rebellions and seditious conventicles, haldin as Generall Assemblies, against your Majesties authorite and command, accuseis your Majesties Chancellar to haiff geven advise, counsall, or consent to the halding of the said mutinous Assemblie. Your Majesties Chancellar sayes it is a manifest lye, and if it might stand with his honour, and dignitie of his plaice, to enter in contestation with sic a condamned traitour, could cleirlie verifie the same. Master Jhone Forbes, and all his colleigis, abyddis still at the mantenance and justificatioun of that their Assemblie, as a godlie and lawfull proceeding. Your Majesties Chancellar, be his publict letters, dischargit and contramandit the said Assemblie; he hes sensyne condamned the said Assemblie as a seditious and onlawfull deid, and all the pertakers and mantenars of the same as mutinous and seditious personnes. Your sacred Majesty hes to judge whilk of thir twa is maist worthie of credeit. Farther I think not neidfull to impesche your Majestie in this mater, bot some information I haiff send to Mr. Alexander Haye, whilk it may please your Hienes to accept and heir off when best lasour fra mair weightie affaires may permitt the same. Swa maist humblie taking my leiff, and praying the eternal God lang to preserve your Majestie in all felicitie, I rest,

Your sacred Majestys maist humbill and obedient subject and servitour,

DUNFERMELYNE.

Edr. 25 Maij, 1606.

V.

THE LAIRD OF CORSE, AFTERWARDS BISHOP OF ABERDEEN, TO JAMES VI.

Please your sacred Majesty; By that which your Majestys secretarie hath imparted to me, understanding your Majesty to be offended with sum of my dealing, more for the defect in form than matter, I was thairupon steired by thoise to clear to your Majesty what I think the informer in my matter rather hath not truly knowne than maliciously concealed, so to recover and retrieve a place in your Majestys good grace, to whom, next God, I am both beholden, and study most carefully to approve my ways.

Being cast in these parts where within the precinct of two presbyteries, at least twenty and one churches at least lay unplanted, whereby our state were little from heatheuisme, I began in simple and private manner (necessity enforcing it on my conscience) to catechise my own family. Thereafter the churchmen of that province dealing earnestlie with me to accept of some publick charge in the ministrie of the church, which, upon divers respectfull considerations, I could not as then yeild to, they next with all instance requested that, at least for the gude of others, I wold be content to transfer my domestic paines to ane void church, now joining to my house; whairto having for a space condescendit, they afterward by thair commissioners from thair synod, directed to me for that effect, yet more earnestly entreated that I wold still hold on that course which (as they judged) had been in some degree fruitfull. Now, Sir, as this made my voice to be heard in any public place, so all my uther carriage therein (if either they did inform who know it, or know it who informe,) hath been such, both in respect of the place, ane obscure corner of any in all your Majestys kingdoms, and in respect of my quiet manner, so far from all pretences, as I never opened my mouth in any uther part (albeit oftener than once eithers seriously intreated or curiously tempted), and except ane ordinary lecture on Lords Day, never medled with any part of that calling in private or publick assemblie; as I never imagined the knowledge of my dealing should have gone so far as I now well perceive (I will not say the envie), but the misconstruing thereof hath passt, and that (if your Majesty were not as ane angell of God), to overthrow me in your Majestys favour, whom nevertheless if any approved Christian, let be your Majesty, had found themselves justly offended, what upon request I was moved to do, being admonished, I was always ready to forbear. So far have I always been, and hope in God still to prove, from all bussie and turbulent dealing; and yet for such ane one am I content to be accounted of your Majesty, and demeaned accordingly, if, before I hard it from your Majesty, it was ever signified to me by any, that my doing was in any respect offensive. So remitting all to your Majestys rare wisdom and gracious consideration, I pray God may give your Majesty a long and prosperous regne heir, and eternall glory with himself hereafter.

Your Majestys humble subject,

P. Forbes of Corse.

Edinburgh, February 15, 1610.

VI.

THE BISHOP OF MURRAY TO KING JAMES VI. REGARDING THE LAIRD OF GICHT.

Sir,

Please your most excellent Majesty; The great and common peace of this your Majestys realm, under your Majestys most religious and happy government, giffis us all not only full contentment, but likewise plentifull occasion to multiply thanksgiving to God for your Majestys preservation. Specially, which was [ ] parts of this your Hieness kingdom being before not so fully brought to such obedience as now thai are be your Hieness great care and providence. We redouble our prayers to God for your Hieness long and prosperous state. Your [ ] few of any rank bot are both peaceable and lovers of peace. Amongst whom this gentleman (though not of the religion), the Laird of Geycht, hes showin himself a great furderar and favourer of your Majestys peace in the bounds of his dwelling and residence; specially, being employed be a letter of [ ] in your Majestys name, to settle ane present appearance off ane very [ ]; quhilk he did accomplish and bring to pass setling. This has moved me to give testimonie, by my own experience, of his peaceable inclination. I houp [ ] your Hieness will not suspect my professions, for that I am moved to testify the [ ] of some papists, whilks I perceive are not universally of ane corrupt disposition. The gentleman is diseased and subject to divers infirmities, whilks he wad nott get remedied heir, and wad humbly craiff your Hieness that he might keep his health in sum uder church; if your Majestie be so minded [ ] to be [ ] the same be granted be your Hieness own royall power, they, be the council of this your Hieness kingdom, and that for preventing of a dangerous preparative, which must be endured [ ] off his present estate. And, howbeit thair is na grait matter of sic a suspicion of his traffiquing, being hitherto so quietly disposed, yet your Majestys awn will so abandonn him that he will not [ ] his Majestys favour, nor abuse your Hieness benefits for all his valiant [ ]. Thus, most humbly craiffing your Majestys pardon for this my boldness, my humble and earnest prayers dayly for your Majestys long, happy, and maist prosperous state, I beseek God,

the funtaine of all grace and blessing, to bless your Hieness heir and eternally.

Your Hieness most loving and affectionat servitur,

ALEXANDER, B. of Murray.

Elgine, the 20 day off Feberwar, 1610.

VII.

THE ARCHBISHOP OF ST. ANDREW'S TO KING JAMES VI.

Most gracious Soverane,

May it please your most excellent Majesty, Whereas relation hath been made to me be the Bishope of Murraye, that one Mr. Johne Straitone, minister at Forress, hes spoken very contumeliously against the Assembly of Glasgow and Episcopall jurisdiction, publicly in excercise, in the bishops own audience, I have caused cite him before your heich commission. The day of his compearance was Thursday the 14th of this instant, at which time, after trial, we have fund him wordie of punishment, and therefore have silenced him, and committed to waird in your Majestys castell of Inverness, till your Majestys further pleasure be knawne. In this matter I had the advice and concurrence of my Lord President, who accompanies me in your Majestyes service very lovingly and forwardly. This Fridday, the fyfteen of this instant, the consecration of the Bishop of Murray was solemnised very honorably, and countenanced be the said Lord President, and many other Lordis of Secret Council, whom he drew together for authorising that solemnity. Before this order came it was odious, bot in the usages therof all the hearers thought it tollerable, and now the beholders and auditory are moved to praise and extoll it as a wise, holy, and grave pollicy. This next Tuesday holds my Diocesiane Synod besouth Forthe; and upon the 2d of Aprill, the Synod benorth the same, from which I go to proceed in my visitation where I left, which was in the Carse besyde Perth; for the removed pairts in the north, I have dispatched them this last summer, with very guid effect, I praise God. Our other affairs I refer to the sufficiency of my Lords of Glasgow and Orkneye, the establishing of whose bishoprick (it being one of my provinces), I humbly recommend to your

Majestys royall cair and consideratioun. Thus I beseek God to bless your Majestys royall personne and government, with the increase of graee, prosperity, and honour for ever.

I maist humbly and earnestly beseik your Majesty to give thanks to the honest and kind Secretarie, for his greit love and kindness to me and all my bretheren the Bishops.

Your Majestys humble subjeet and servant,

SAINT ANDROIS.

St. Andrews, 16 Martij, 1611.

VIII.

LORD BINNING TO KING JAMES VI.

Most Sacred Soverane,

What was proceided in the national counsall, kept be your Majesties permissioun the last oulk in this towne, wes signified by my letters of the 18th. No mater of moment then resting to be concluded bot the Marqueis of Huntleis absolution, who, eumming to this toune upon Tysday at night, as wes appoynted yesterday, the two Archibischoppis, the Bischop of Brechin, your Majesties Thesaurar Depute, the Laird of Cors, and I, went to the Marqueis his ludging, and, efter two or thrie houres conference, agried upon the maner of his absolution, and meiting in the afternoone in publiet assemblie, that matter being proponed and modestlie reasoned be some of the precisest sort, the Archibishop of Sant Androis replyed so wyselie, and made so tymlie use of some clauses of your Majesties letter from Nottinghame, which be gude fortune came to his handes that same day, that in end the absolution wes concluded, and the Marqueis compeirand and granting his by-past offence, promeising constant perseverance in the true religion, which he thair aeknowledged and subseryved publielie, the articles thairof exhibited to him in presence of all the Assemblie, he was absolved, to the exceiding great joy of all that were present. This is one of the workis of your Majesties most excellent wisdome, whairfra all men expect gude helpis to the peace of the estate and churche of this kingdome.

All your Majesties uther directions being most just, reasonable, and profitable for the cuntre, wer allowed with such humilitie, hairtinesse, thankisgiving, and prayer to God for your Majesties preservation and long and happie raigne, as your Majesties care of the universall good of the kingdome does obleiss all faithfull subjectis sincerely to wishe. Many have approven thameselves duetifull in this service, but I owe particular testimony to the Erle of Montrois his affectioun, and to his grave and honorable behaviour, and to the Archibishop of Saut Androis his modestie, patience, wisdome, and travellis, whairby he so conteaned the whole number within the boundis of dutie and obedience, as did greatlie facilitat the good successe of the business. So wysching the lyke in all your Majesties intentionis and directionis, and that God may be gratiously pleased long to blisse us with the continuance of your wysse, just, and gratious raigne, I rest,

Your most Sacred Majesties most humblie, faithfull, and bund servand,

(Sic subscribitur,) BINNING.

Aberdeen, 22 Aug.

IX.

P. BLACKBURN, BISHOP OF ABERDEEN, TO KING JAMES VI.

Most gratious Soverane,

It may please your most excellent Majestie, Upon the hard information which your Majestie received anent my cariage in the effeiris of the church and your Majesties service, it pleased your Majestie to direct the counsale to call me to my compt, which I, with verie gude will, with all humilitie, gave to my Lordis Chancellor and President, with the gryttest number of the Bishops, heir assembled; to whome, I hope, I have gevin such satisfactioun as will liberate me from any wilfull offence; and if I have not, beand now of good eage and infirm, uttered sick forwardness as the present service requyres, I mynd, by the grace of God, to be careful to please your Majestie, and serve in this calling with als goode hart and affectioun as any of my equalis, according to the mesure of grace and habilitie God hes bestowed upon me. And as at this present

Parliament I have not been deficient in any goode service, sua your Majestie may expect of me that, in all services competent to my place, I will refuse no burding that my mene habilitie is habill to accomplish. Thus, the God everlasting bless your Majestye in person, estait, and government for evir, and sall remane,

Your Majestys most humble servand and affectioned orator,

PETIR, Bishop of Abirdein.

X.

LORD BINNING TO JAMES VI.

Most Sacred Soverane,

At oure cumming to this towne, finding that the most precise and wilful Puritans were chosen commissionaris be manie of the Presbiteries, specially of Louthian and Fyfe, I was extreamlie doubtfull of the success of your Majesties religious and just desires. My Lord of Saint Androis deimed not the apparent difficultie, but declaired that being hopefull that the happiness which always accompanied the justice of your royall disseins wald not faile in this action, he thoght the victorie wold be more perfyte, and the obedience more hairtie when the Puritanes sould sie the Articles concluded in the presence of their greatest patrons, thair opinions being confuted be livelie reasons and undeniable trueth.

The sermon before the Assemblie was made by the Bischop of Aberden, who, with great dexteritie, proponed the weght of the pourposes to be entreated, and the necessitie of consideration; that the bodie of the church being assembled, be your royall discretion, for treating of Articles proponed be your Majestie, first to ane number of the principall ministers at Sant Androis, and therefter in the Assembly at Sant Androis, your Majestie had consaved great offence for the delayes then used, and being persuaded in your excellent wisdome and conscience that the Articles were just and godlie, and onlie schifted becaus they were proponed by your Majesty, be such as had gloired to be opposite to your sacred desires. It was to be feared if, at this tyme your Majesty should not ressave satisfaction, your wraith might be so kindled as the Church, lousing your wounted fatherlie favour, they might feill the heavie prejudice of that consequence; and

thairfor exhorted thame in humilitie, zeale, and Christian love, to dispose themselves to proceid wiselie and with all due respect to your Majestie.

At the meiting of the Assemblie, the Archbischop of Sant Androis maid the exhortation, and be ane most godlie and wise discours, remembred the auditouris of your Majesties infinit benefites to the church, your wisdome in thair directioun for keiping of puritie and suppressing poperie, your patrocinie of the good mercie to offenders of thair profession; caire for provisioun of maintenance to pastouris, and learninge and zeal in defence of the true religioun be your most famous workes, publyschedagains the adversaris, which had incensed the papists to think your Majestie the onlie lat of their prevailing; and for that only querrell, to seik, by treachourous meanes, the trouble of your estate and destruction of your sacred person, and the true professouris throw all Europe to honour your Majestie as the protectour of all the Reformed Churches, and to acknowledge your Majestie the umpire, and the most competent and best qualified juge of all controversies arising amongis thame; exhorting thairefore every one to consider and acknowledge how justlie thai were bund to express thair loyall respect and true obedience to your Majestie, by yeilding to your lawfull desires in the Articles proponed.

The exhortation ended, he called the commissionaris, and nominated these for the conference. Some proponed that ane moderator might be chosin, whom he silenced, becaus he wald not suffer the priviledge of his place to be questioned, and thairefter rehearsing what had been done in the Assemblie at Sant Androis, and [ ] taking it *pro confesso*, that all the Articles were in substance allowed thair except that of kneiling at the communion, proponed that to be disputed. Greit instance wes maid that the mater being of so heigh consequence might be entreated in the publict Assemblie, bot the contrare was ordanet. Difficultie was maid anent the conception of the words of the question, and the opposites urged that reasons might be gevin why the article wes necessar. It wes answered and concluded, that the Articles cumming from your Majestie sould be allowed, unless thai could prove it were unlawfull. So Maister William Scot of Couper being commanded to speak, opponed agains the Article with modestie, and protestation that he would be unwilling to adduce reasons to impugne ane proposition cumming from your Majestie, and thairefter proceiding to his argumentis, wes secunded be Mr. John Carmichell, with more vehemencie and wilfulness. They alledged that the order presentlie observed in this countrie being agre-

able to the wurd and Chrystes institution, and thay sworne at thair admissione to the ministrie to observe the true religione and discipline ressaved in this church, thay could not with saif conscience alter it. Which being answered, they came to the substance of the question anent the maner of ressaving, and spent the rest of that day, and ane part of the next, in disputation upon that subject. Nothing being omitted be the adversaris which thair owne inventionis, or the writings of these who allow thair opinion, could suggest, which being wiselie and learnedlie refuted by my Lord of Glasgow, whom Doctour Lindsay of Dundie, and Doctour Philp of Arbroth, Doctour Bruce, and sum others of the best and most learned, did assist with manie evident and pithie reasons. The Article was ordained to be voted in the conference, and in end allowed to, be so great oddis of voices, as gave wonderfull contentment to all the weel affected; yet, the number of the vulgar ministers having vote in the publict Assemblie being verie great, oure dout rested what the event might be of that which depended upon the opinions of ane multitude of ignorant or preoccupied people; for remeid whereof my Lord of Sant Androis, who in direction, disputation, and all uther circumstances of this action, expressed great wisdome, learning, and autoritie, well beseiming his place, delayed the voting the second day that he and his bretheren might have sum tyme to dispone thingis to ane wished end. This day the Bischop of Galloway maid ane verie pertinent sermon to persuade the brethren to peace and edification. Thairefter the Assemblie conveining, new disturbances were cassin in to reuerse all that wes done in the conference, and bring it of new to disputation, so as my Lord of Sant Androis wes forced to permit all the articles to be of new reasoned; and if he had not be very grave autoritie reduced their discourses to succinct and formell reasoning, it had bene impossible to bring maters to any conclusion. Some oppositions made yesterday was this day repeated, and litle of any substance added be such as were not of the conference. All which wes judiciously and perspicuouslie refuted be my Lords of Sant Androis and Glasgow, and Doctouris Lindsay and Philip, whoes faithfull and proffitable endeavouris merites your Majesties gracious remembrance. If complaint be maid be Maister John Carmichaell, that I wold not suffer him to inlarge his discoursis of the ancient controversie betwix the Eastern and Westerne Church, anent the precyse and true day of Chrystes birth, I must have recours to your Majesties mercie. In end, my Lord of Sant Androis, cutting schort thair affectat schiftes whairby thay intended aither to disap-

point the matter, or to persuade the Assemblie to remitt it to ane uther meiting, he ordaned this proposition onlie to be voted, whether the Assemblie would obey your Majestie in admitting the Articles proponed by your Majestie or refuse thame. Sum insisted to have them severallie voted, bot both he and the Deane of Winchester, whoes diligence, discretion, counsall, and gude assistance in this service hes been faithfull and verie commendable, declared that your Majesty wald resave none if all were not granted; and so being put to voting in these termes, fourescoir and sex allowed the Articles, fortie and one refused thame, and three were *non liquet*.

My Lord of Scone *antiquum obtinet*, and will never *aberrare a via regia*. My Lord Carnegie, the Thesaurar Depute, Advocate, Kilsyth, and Sir Andro Car, have done that faithful dewtie which became thame.

The Erle of Louthian, the Lords Sanquhar, Uchiltrie, and Boyd, did lykewayes attend with ane gude number of honorable and well affected barrons, bot the prayse of the success being onlie due to the wisdome of your Majesties directions, the wourthiest instruments have been the two Archibishops, and the Bischops of Galloway and Aberdeene, and remanent of thair estate, of whome none were negligent or remisse, but professedlie resolved in the advancement of the action. Many ministers kythed verie dewtifull both in reasoning and voting; but all these particulars I must remit to the Deane of Winchesters relation, onlie assuring your Majestie that albeit the contention wes vehement, both in the Conference and publict Assemblie, yet, efter thay wer voted, thair appeared great contentment in manie gude mens faces, for the happie and peaceable approbation of your Majesties Articles. If your continuall caire of the good of this cuntrie and churche move your royall mind to intend heerefter any church matters of such consequence, I beseech your Majestie, for the good of your owne service, to employe ane more fit Commissioner in my place, who am als unskilful in thir subjectis as I am ungracious to the opposites. So thanking God for the blessed end of thir affaires, and praying him that your Majestie may long live and happelie prevaile in all your royall interpryses, I rest,

Sic subscribitur,

Your Majesties most humble, faithful, and bund Servant,

BINNING.

Sant Johnston, the 27 of August, at night.

XI.

PROTESTATION OF THE EPISCOPAL CLERGY AT ABERDEEN.

Protestation and Appeal given in at Aberdeen, upon the twenty ninth day of Jun, Jaj vj^c. ninety and four years, under form of instrument, to the Committee of the late Presbyterian Assemblie, by the Ministers delegate for that end from the Diocesse of Aberdeen, for themselves, and in name of all their adherents.

We, the Ministers of the Diocesses of Aberdeen, Murray, Rosse, Caithnesse, Orkney, and of the Shyres of Angus and Merns, do hereby declare that we cannot own the Assemblies of our Presbyterian brethren, since the last establishment of their government, to have been the full and lawful representatives of this National Church; and, consequently, that no person or persons whatsomever, by virtue of a delegation from them, can justly claim the power to be judges of our lives and doctrines, according to what we have expressed in the Queries given in to this Committee. The tenor whereof follows:

1. Whereas, according to the principles of Presbyterian government, there ought to be no higher degree of pastors in the Church than presbyters, and all presbyters are equal in power and authoritie, we desire to know by what divine or ecclesiastical right these fifty or sixty surviving Presbyterian ministers, not being in actual charge within this kingdome, did take upon them the exercise of the whole ecclesiastical power of this National Church, and have exerced a more absolute authority and jurisdiction over their brethren, nine hundreth or a thousand ministers, who were in office when Episcopacy was abolished, than ever the bishops pretended to, who never claimed a power to make acts concerning the Church without consent of its ministers.

2. Since, according to their own principles, the power of preaching the ghospell, and administring the sacraments, and the power of discipline and government are inseparable in the office of a pastor, *Quaeritur*, If that constitution of church government be lawful which excludes the greatest part of the pastors of the Church from having any share in the government thereof?

3. Seeing no Assembly of church officers can justly claim any authority or jurisdiction over a church wherein that church is not duly represented, and a church cannot be represented in an Assembly wherein their delegates are not allowed to sitt; and that, by the constitution of this Church, a General Assembly doth consist of Commissioners from all the Presbyteries within the kingdome, *Quaeritur*, How the late Presbyterian Assemblys can be owned for lawful General Assemblys of this Church, since they consisted entirely of the Presbyterian party; and the Presbyteries of this Diocesse, and severall others within this kingdome, had no Commissioners present at these Assemblys, nor have they a call to send any?

4. Since, by the principles already mentioned, all ministers have ane equal right to share in the government of that church whereof they are members and office bearers; and since the whole body of the pastors of this Church, who were in office at the time of the abolishment of Episcopacy, cannot be charged with ignorance, grosse error, and immorality of life, or supine negligence in their office, we cannot understand how the constitution of the present church government, and late Assemblys, can be justified by the Presbyterian ministers, but upon the supposition that the whole body of pastors foresaid are either no ministers of the ghospell, or such corrupt ones, upon the account of their principles and practices in relation to church government, as that they are not worthy to be trusted with the exercise of that power which belongs to the pastoral office, which we cannot own without either renouncing our ministrie, and declaring all the acts of our ministerial function null and void, or condemning those principles and practices which we judge to be just and lawful?

5. *Quaeritur*, Whether the annual office of ruling, not preaching elders, chosen out among the people, and joined with ministers in Kirk-Sessions, Presbyteries, Provincial and General Assemblies, and their Committees, to assist and concur with them in the exercise of discipline and government, can be warrantably affirmed to be of divine institution; and if any footstep of such an office doth appear in the church history, or if any plain convincing proof of its constitution can be produced out of the scriptures; and, if this office be not of divine institution, whether a judicatory, consisting in part of such officers, pretending to divine institution, and to act by warrant and commission from Jesus Christ, be a lawful judicatory?

These are some of the most weighty scruples which we have in our con-

sciences anent the ecclesiastical authority of this Committee deputed from the late Presbyterian Assembly, and these we propose not out of any fear of being tryed in relation to our life and doctrine, in which we are willing to submit ourselves to an impartial tryal by any competent judicatory, civil or ecclesiastick, within this kingdome; nor as if we would not have a due regard to this Committee, if they cloathed themselves only with a delegation from the civil power, but that we cannot, until we be resolved in these scruples, without betraying the priviledges of this National Church, acknowledge any ecclesiastical power or jurisdiction in this Committee, or their constituents, to be judges of any of our number. And, therefore, we hope the members of this Committee will either desist from any further procedure against us, or give us a satisfactory answer to these proposals, which we have good ground to expect from them, since it is both just and reasonable in itself, and well becoming the character they own of ghospell ministers, that they should satisfy the consciences of the scrupulous concerning their authority and jurisdiction before they urge them to submit thereunto, and that in regard the Assembly, in their instructions to the Commission, have required the same to take all due pains to reform, convince, and satisfye such as think that they have receded from their known principles.

THE COMMITTEE'S ANSWER.

The Committee finding that the questions proposed do strick at the root of Presbyterian government, and the present establishment thereof, according to the laws of this kingdome, and do overturn the authority of this Committee, with which they are entrusted by the Assembly, do judge it not becoming or suitable to the trust reposed in this judicatory, to enter in debate with any particular persons, few or more, about the constitution and power of the present established government of this Church, and do think that if indeed it had been satisfaction to their own consciences, which they desired they both might have long before this time, and yet may take more proper and obvious measures for that end. Beside that, the Committee have other urging and important works committed to them by the General Assembly, which cannot allow so much time for debates and disputes as the matter proposed would require, nor have they any commission for that effect.

Here follows the rest of the Protestation which they gave in after the Committee had given the forsaid answer to their Queries:

To the which Queries, we having received no satisfactorie answer, and in regard that they have manifestly stated themselves parties against those of our character and persuasion, therefore, for mentaining the liberties of this National Church, and for many other reasons moving us thereto, which we are resolved in due time to publish to the world, we find ourselves obliged unanimously to testify against all their proceedings, acts, and sentences, in the quality of an ecclesiastical judicatorie, to appeal to their Majesties King William and Queen Mary, as supreme judges, under God, within these dominions, and to the next lawfully constitute and orderly called Generall Assembly of this Nationall Church; and we do hereby protest against any sentence past or to be past against any of our number that are cited, or may be cited, before this Committee, and do appeal to their Majesties, as said is; and this we do not as if we would protect any that are guilty (if any such be among us), nor as if we would not give all due deference to this Committee in submitting to them, if they cloathed themselves only with a delegation from the civil power, but that we cannot (untill we be resolved in the before written scruples), acknowledge any ecclesiastik power or jurisdiction in this Committee, or their constituents, to be judges of any of our number. And, finally, we protest that this our Protestation and Appeal, together with the Queries above mentioned, as they were given in, befor entering this Protestation, be insert verbatim in the records of this Committee *ad futuram rei memoriam. Sic subscribitur*, Mr. James Gordon, parson at Banchorie Devenick; Mr. Thomas Robertson, parson of Clatt; Mr. Alexander Lunan, parson of Daviot; Mr. Alexander Clark, minister at Methlick; Mr. Alexander Mill, minister at Udnie, Mr. George White, minister at Mary Culter; Mr. John Dunlop, minister at Skeen; Mr. George Smith, minister at Kinellar; Mr. Gilbert Ramsay, minister at Dice; Mr. George Setoun, minister at Upper Machar; Mr. Richard Maitland, minister at Nigg; Mr. Thomas Crevey, minister at Newhills.

COMMISSION FOR PRESENTING THE FORSAID QUERIES, ETC.

At the Kings Colledge Kirk of Aberdeen, the fifth day of Jun, Jaj vjc. ninety four years.

The quhilk day, being met, the ministers of Aberdeen, together with delegates from the Diocesses of Murray, Ross, Caithnesse, and Orkney.

and from the Shyres of Angus and Mearns, for consulting anent the necessarie affairs of the Church in this juncture, and understanding that the Committee of the late Presbyterian Assembly for the north is to sitt at Aberdeen once in this moneth, did therefore nominate and choose thir brethren aftermentioned, *viz.* Mr. John Forbes, parson of Kincardin; Mr. Thomas Robertson, parson of Clatt; Mr. Alexander Lunan, parson of Daviot; Mr. Alexander Gellie, parson of Fordyce; Mr. Patrick Harvey, minister at Forgan; Mr. Alexander Barclay, minister at Peterhead; Mr. Alexander Clark, minister at Methlick; Mr. Alexander Mill, minister at Udney, together with all the brethren of the Presbytery of Aberdeen; together also with any others of other presbyteries or diocesses who may be upon the place for the time, or any three or one of them, as their commissioners and representatives, with full power, warrand, and commission to them to compear before the said Committee, whenever it shall happen any of their number to be cited before them, and in their names to present unto them some queries or proposals conceived by them at their foresaid meeting, relating to the ecclesiastical authority and jurisdiction of the said Committee, and to demand answers and resolutions thereunto, and all other things, to act and do relative to the Churches interest, *pro re nata*, and to establish and constitute proctors, one or more, in their name, to compear in their absence, and to act before the said Committee as fully and freely as if all and every one of them were personally present themselves, and appointed an extract of this act to be given to the foresaid Commissioners, under the clerk of the meeting his hand, for their warrand and commission. Extracted forth of the records of the meeting above specefeit, by me,

(Sic subscribitur) Mr. Thomas Crevey, *Clerk.*

Mr. William Dunlop protested, and took instruments upon the forsaid appeal in the terms following:

I, William Dunlop, Principal of the Colledge of Glasgow, and one of the members of the Committee of the last General Assembly of this Church, do protest and declare, that the paper now given in by Mr. James Gordon, parson of Banchorie, Mr. Thomas Cravey, minister at Newhills, and others, their brethren, may not be regarded, nor any way retard this Committees procedure in any of the affairs committed to them; in respect that this Committee are cloathed with their power from the last Generall As-

sembly, which Assembly was lawfully indicted and held, and was a free and lawfull General Assembly, conform to the laws and rules of this Church and kingdome, whether civil or ecclesiastical, and against either the indicting or holding of which Assembly or the power or authority thereof, none of these appellants, or any others of their pretended persuasion, did make any public protest, or give in to the same any reasons against their proceedings, or against the said Assembly, their cloathing this Committee with the power given thereunto. And in respect the said Mr. James Gordon, and others here present, do pretend to come as commissionate from a collective body and meeting of ministers, and which body of ministers have no power or authority by any of the laws and rules of this Church and kingdome to be such, nor have given those proofs of their loyalty to their Majesties, or of their owning and submitting to the government of the Church now by law established, as the law doth require; and, likewayes, in respect that all these appellants, except Mr. Thomas Crevey, do come unto this judicatory without being lawfully called thereunto, and do by their appeal impugne the lawful authority of the same; and as to Mr. Thomas Crevey, in respect that having been lawfully cited before this judicatory to answer for severall things laid to his charge, hath sisted himself judicially before this Committee, and made several answers *in causa*, and yet *ante latam sententiam*, has given in this pretended appeal; and likeways, in respect that all these pretended appellants give no reasons for this appeal, but put in queries to this Committee, challenging the authoritie of the same by law established: In respect whereof, and for other reasons which I shall humbly offer to the Committee when thereunto required, I do protest that the Committee may proceed to discusse the libel against Mr. Thomas Crevey, and perform all the other trust reposed in them, and desire that this my declaration and protestation may be recorded in the registers of this Committee, therein to remain.

The appealers desiring an extract of the Committees Answer, under the Clerk's hands, the Moderator told they should have it when required, with this process, That the Committee would no more treat with them as a body, nor receive any more papers from them that way, but if any of them be for addressing the Committee, in order to their being received, that they do the same one by one, and they should be heard.

XII.

MR. R. LANGLANDS TO THE REVEREND JAMES WODROW.

Aberdeen, Julij 4, 1694.

Reverend Brother,

I am weary with writing to Edinburgh and other toyl, yet would not omitt to give you some short account of affairs here, since we came to this country. While the [ ] at Dundee deposed Mr. G. Grahame, at Inneraritie, for notorious drunkennesse, and found that Mr. Scrimgeour, [ ] parson of Dundee, had demitted and deserted his charge there, we [ ] one Mr. John Christison, at Liff, of whom we hope we shall not be ashamed. Since we came to this place, our work has been very toylsome and difficult, and I think we and others are called to blesse God for his goodnesse in giving any light and direction in so dark steps. The first thing done here was the intimating to the magistrates and other inhabitants of this place, to give in lists of persons fitt to be admitted elders and deacons here, and that upon addresse from the magistrates for that effecte. The Episcopall session gave in a protestation against this, which they sent by one of their number unsubscribed, and their commissioner likewayes refused to subscribe it. The list being given in, tryall was taken of the persons, and the fittest chosen, and their edict served last Sabbath, and they are to be admitted next Sabbath. A complaint being given in by the Laird of Udney against Mr. James Gordon, son to Mr. James Gordon, parson of Banchrie, known by the name of the reformed bishop, for intruding upon the paroch of Foveran, summonds were issued out against him and Mr. Thomas Crevey, at Newhills, for admitting his [ ]. Both compeared, and with them a considerable number of the clergy of the country. It would fill a volume to give you an account of this affair. But in short, after a prepared speech, larded with Latine phrases, had by Mr. James Gordon of Banchrie, they gave in some queries to which they got an answer, then gave in an appeal with these queries in its bosome, upon which Mr. Dunlop did protest and take instruments, and they got their final answer, doubles of all which papers I have sent to Edinburgh, and desired them to take doubles of them, and send these I wrote forward with this, because I had not time to write copies. And wheras they desired resolution to their queries, some of the

members of the Committee, as was agreed, having first asked the Moderators allowance to speak, told them that though the Committee could not as a judicatorie, it were unsuitable for them to enter in debates with any private persons, few or more; yet the members of this Committee, in their private capacity, would be ready to reason with them, upon the queries proposed, when and where they pleased.

They had at first, when Mr. Cravie was called, rushed in rudely; but being commanded out till called, they, at their return, made many apologies for the disturbance of their first incoming, and imputed it to the people that thronged in with them. Some of our number communed with some of them, and, as we hear, several of them repent their rude addresse, and some of them came to the Moderator to make apologie, and to [ ] him for the Committees, and his civility to them. We have a list of many scandalous incumbents in this Synod, and purpose to processe them, as we can have probation. Two of them are already summoned; the one offers demission, the other is to compear on Friday. We have received five well approven of for their life, doctrine, and abilities, and hope we shall not be ashamed of them. They show great concern for purging and planting of this Church, and may be very serviceable to us, in that both by information and advice, and at their reception, did not only come up to the terms required, but did of their own accord testify their resentment of their former way, to the Committees great satisfaction; nor have any of them, since the revolution, associate themselves with the rest. Other three have applyed and are in dependance; I had occasion to converse with them. Those received, and such as may be received within this Synod, we have erected into a Presbytery, and given rules for the exercise of government, which I cannot wryte at length, but I doubt not you will be satisfied with them. We got possession of the kirk of Old Aberdeen last Sabbath, and purpose to keep it. The intruders in this countrey are cited to compear; we apprehend they will not, but some of them have already compeared, and their supporters desert them. I cannot enlarge, being weary, but shall write as occasion offers. We have need of the help of your prayers, and you [ ] are called to blesse God for his goodnesse in giving some light in very difficult steps, of which you may get a more particular account at meeting. But adversaries knowing that we have [ ] account of their scandalous [ ] ready as to proceed against the bad, so to encourage such as are [ ] are become faint and under

consternation, and as we hear some of the appellants themselves would wish they had not by their appeal shut the door upon their [ ], but I think in this God hath infatuate them. I adde no more, but my kynde respects to your best half, and to the brethren, with their families. and that I am, in haste,

Dear Brother,

Your affectionate Brother and Servant,

R. Langlands.

We are all in good health, blessed be God.

Our brother, Mr. Ramsay, probably cannot escape a call hither.

You may communicate this to the brethren of your Presbytery.

For the minister of Glasgow.

Rev. Dear Brother,—I apprehend that it is not expedient to let copies of the queries be [ ] untill we speak together again, and that ye please.

J. W.

Superscribed—The Reverend Mr. James Wodrow, Professor of Theologie, or any of the ministers at Glasgow, to be communicate to Mr. Thomas Ramsay at Calder.

XIII.

THE REVEREND THOMAS RAMSAY TO THE REVEREND JAMES WODROW.

Reverend and dear Brother,

I receaved yours, dated March 19, anent Messrs. Innes and Lesly, and communicat the same to the brethren, who are refreshed with the good and savory report you give of both, for there is nothing we more stand in need of than able ministers and good Christians joyn'd in the same persones; and truly, if either grace or learning, in some competent measure, be wanting, we are afraid we are building up but nominall presbyterie. As for Mr. Innes, I have advanc'd him five lb. sterling, twentie eight pounds Scots of which I have only receaved, besides what remains uncleared of my

advances to him the former year, nor have I nor others any hopes much more will be advanced untill we make application to the Lords of Council and Session, and we have had so many and so constantly applications to these, that all of us are more than wearied of them. I must say both my colleague and I (besides what our poor and weak brethren have been put to) are so far superexpended one way and other, that we are not longer able to bear it, without more loss to our neighbours interest than I am willing to expresse at present; wherefor if brethren with you can help both of them a little till their circumstances alter, it may be good service, if they think not fit to do so, they must wait upon providence. As for Mr. Lesly, it is not our mind he enter upon tryalls untill he have another year at the profession; betwixt and that time we shall do our utmost endeavours to help and encourage him. The burden, which is now insupportable to a few, may become (if more fitt hands be joyn'd to us) more easy, but if any design to plant all this vast and desolat countrey only with young men, both the present and rising generation, yea, the whole, I think, of Scotland, will sadly repent it. Though its like some of us may not be long actors in or witnesses to it, however, at present, we are all busied in planting our vacancies as possibly we can; for Mr. Robert Tait was, upon Wednesday last, admitted at Cullen, where also we ordained Mr. Thomas Backie for Kirkwall in Orkney. Mr. Alexander Thomson, a country man here, is to be ordained at Petercoulter to-morrow. Mr. William Thomsone, one of the receaved, is by us transported from Auchindore to Kintore, and is to be admitted to-morrow eight days, and Mr. George Skeen is to be ordained minister at Kinkell the day thereafter, being the 22 instant. We expect Mr. Martine Shanks will be admitted minister at Newhills either the last week of this moneth or the first week of May. Nixt week we are resolved to divide ourselves in thrie presbyteries, although we'll be but four ministers in one, five in another, and six in the third, for all our additions, and our first synodicall meeting will be about the middle of May. We have eight legal Presbyteries within our Synod, laying in whole forty miles long and forty broad, and brethren are superexpended and wasted in their bodies, and will be unable longer to subsist either in persones or purses in one Presbytery. Probably our first work in Synod will be our giving a call to a Professor for the Kings Colledge in Old Aberdeen. But I must break off, being often interrupted in writing this, and having no time to write to my brother Dunlop (to whom I desire you to communicat this) or any others. I desire you to impart this

to als few as you please, because some may be ready to make wrong use of it. Grace be with you, all yours, and all mine with you, and ever am,

Ryght Reverend,

Your own affectionate Brother and Servant,

THO. RAMSAY.

Aberdeen, April 13, 1697.

Superscribed—The Reverend Mr. James Wodrow, Professor of Divinity in the Colledge of Glasgow.

XIV.

MR. HUGH INNES TO THE REVEREND JAMES WODROW.

Aberdeen, Sept. 15, 1697.

Dear Billie,

I have spoke to some in this place who averr the truth of all that you heard of that woman. She was kept by the Masters of the Old Colledge a long tyme, and by the Dutchesse of Gordon, without meat or drink.

I was glad to be informed by the Principall of the Professors health, and all in his family; I give him my service, and doe heartly acknowledge my sense of that [ ] kindness I met with while under his charge. I pray the Lord may long preserve him for doing him service here, and at last receive to that mansion of glory he hath prepared for those that love him. Give my service to your stepmother and brother, to Mr. Brown, to Mr. G. Believe me to be,

Your affectionate Cosine and Servant,

HUGH INNES.

I remitt you to Will Christie for ane account of matters here. Give my service to Mr. Jamieson; the Principall will give him an account of his books that are come here.

XI.

PAPERS

FROM

THE CHARTER CHEST AT PITTODRIE.

M.D.XXIV—M.DC.XXVIII.

PAPERS

FROM

THE CHARTER CHEST AT PITTODRIE.

M.D.XXIV—M.DC.XXVIII.

I.

OBLIGATION BY ARCHIBALD DOUGLAS OF GLENBERVY.

I Archbald Dougles of Glenbervy grantis me hes in wed of Master Thomas Erskin of the Haltoun ane chenye of gold for four scoir merkis contenand xlviij lynkis and weyand thre scor crownys of weycht · the quhilk chenye of gold I bind and oblis me with consent of Master James Dougless channoun of Ross and Master Adam Otterburn to deliuer the said chenye to the said Master Thomas his aires executouris and assignais quhen he payis to me four scor merkis any tym betuix this dait and Lammes nixt callit the Inuencioun of the Cross · and faland thairof it salbe dischargit for the said soum · In vitnes herof I hef subscrivt this vrit with my hand and causit my curatouris the saidis Master Adam and Master James subscrif the sammyn · At Edinburgh the vj day of Nouember yer of God j$^{m.}$ v$^{c.}$ and xxviiij yeris ·

Anent the chenye.

Archbald Dougles
off Glenberwy ·

Ita est Jacobus Douglas ·

II.

WARRANT FOR THE OFFICE OF SECRETARY IN FAVOUR OF THOMAS ERSKINE OF HALTON.

Our Souerane Lorde · with auise and consent of hys derrest moder the Quene and lordis of secret consell ordanis ane lettre to be maid in dew

Warrant for office of Secretarie.

6 March, 1524. forme vnder the gret seyll to his louit Maister Thomas Erskyne of Haltoun · makand him secretar to our Souerane Lorde during the tyme of hys les age and fvrther at hys hieness will to indure · comittand tyll hym the office off with the keping of our said Souerane Lordis signetis · To be haldin and to be had the said office with the keping of our said Souerane Lordis signetis to the said maister Thomas during the tyme forsaid · with all and syndry commoditeis fredomis importans feis and dewiteis quhatsumeuer pertenying or rychtwislie may pertene thairto · frelie quietlie *etc* · but ony reuocatione *etc* · with full powar to the said Maister Thomas to minister in the said office and to wse and exerse the samyn be hymself his deputis and substitutis · for the quhilkis he salbe haldin to ansuer · siclyke and als frelie in all thingis as ony vtheris secretaris vsit and exercit the said office in ony tymis bygane · For vsing and exercing of the quhilk office our Souerane Lorde · with auise and consent of his said derrest moder and lordis of secret consell forsaid · gevis granttis and assignis to the said Maister Thomas · all commoditeis liberteis importance feis and dewiteis aucht and wont theroff · and siclyke as any vtheris secretaris has had in tymis bygane for using and exercing of the samyn · and generalie all and sindry thingis to do exerce and use that to the office of secretary and administratione in the samyn off law or consuetude is knawin to pertene fferme and stable *etc* · And that the said lettre be extendit heirapoune with all clausis necessar and with command in the samyn to all and sindry our Souerane Lordis liegis and subditis that thai and ilkane of thame reddelie intende ansuer and obey to the said Master Thomas his deputis and substitutis forsaidis in all and sindry thingis concernying the said office and to name vtheris during the space forsaid vnder all pane *etc* · And that preceptis be direct ordourlie heirapoun · Subscriuit be our Souerane Lorde and his said derrest moder and secret lordis of consell forsaidis · At Edinburgh the sext day of Marche the yeir of God j^m. v^c. and xxiiij yeiris ·

JAMES · R · MARGARET · R ·
ERL OF ARRAN ·

III.

GIFT OF THE OFFICE OF SECRETARY BY KING JAMES V. TO THOMAS ERSKINE OF HALTON.

Litera Magistri Thome Erskin de Haltoun. 5 Oct. 1526.

James be the grace of God King of Scottis · to all and sindry oure officiaris liegis and subditis quham it efferis quhais knaulege thir oure letteris salcum · greeting · Forsamekle that we · vnderstanding the wisdome fidelite discretioun and circumspectioun of oure louit familar Maister Thomas Erskin of Haltoun · and havand experience of his exact diligence in materis and erandis comittit to him · have made create and ordinit · and be thir oure letteris makkis creatis and ordinis · the said Maister Thomas oure first secretar for all the dais of his liffe · and hes committit to him the keping of oure signetis and exercing of the said office of secretary in all things requirit therto · with all feis proffittis emolumentis preeminentis preuilegiis and dewiteis belangand to the said office · and siclike as ony vtheris secretaris had for vssing of the said office in tymes bigane · To be haldin and to be had the said office of first and principale secretary and keping of the saidis signetis and directioun of all letteris in all materis concernyng the samyn · with all feis proffittis and dewiteis digniteis preeminentis and priuilegis · for all the dais of his liffe · with power to mak deputis ane or maa vnder him in the said office for exercing of the samyn in his absence · for the quhilkis he salbe haldin to ansuere · frelie quetlie wele and in peax but ony renocatioune or aganecalling quhatsumeuer · the aith of fidelitie first ressauit fra the said maister Thomas · Quharfore we charge straitlie and commandis you all and sindry oure officiaris liegis and subditis forsaidis that ye and ilkane of yow reddelie ansueir and obey to the said Maister Thomas our first and principale secretar hes deputis and substitutis vnder him in all thingis concernyng the said office of secretary · and payng to him his deputis and substitutis forsaidis of all feis proffittis and dewiteis pertenyng to his said office vsit and wount and to nane vtheris in tyme cuming during his lifetyme · vnder all pane and charge that efter may follow · Gevin vnder oure priuie sele · at Edinburgh the fyft day of October · the yer of God j$^{m.}$ v$^{c.}$ and xxvi yeris · and of our regnne the xiiij yere ·

Per signaturam manu S · D · N · Regis subscriptam *etc*·

IV.

COMMISSION, KING JAMES V. TO SIR THOMAS ERSKINE.

Commissioun Schir Thomas Erskyne. 6 April, 1530.

Jacobus Dei gratia Rex Scotorum · illustrissimo principi Francisco eadem gratia Francorum Regi Cristianissimo eiusque consilio · ac aliis omnibus quorum interest intererit aut interesse poterit · Notum facimus per presentes quod fidum et dilectum consiliarium nostrum Thomam Erskynn ab Haltoun · equitem auratum nobis a secretis primarium · cum consensu dominorum consilii nostri · fecimus constituimus et ordinauimus ac tenore presentium facimus constituimus et ordinamus · nostrum commissarium procuratorem et ad infrascripta negotiorum moderatorem generalem et specialem · videlicet · ad proponendum et exponendum desiderium nostrum pro futuro matrimonio inter nos et Dominam Magdalenam filiam maiorem natu dicti Cristianissimi Regis fratris nostri · necnon de et super aliis quibusdam negotiis secundum credita eidem transmissa · et super eiusmodi negotio matrimonii et aliis cum omnibus suis accessoriis communicandum tractandum concordandum et finaliter concludendum · ratum et gratum firmum atque stabile habentes et habituri id omne et quicquid dictus noster secretarius ac commissarius nostro nomine in premissis duxerit agendum et faciendum ac si nos presentes personaliterque interessemus · Datum sub nostro magno sigillo apud oppidum nostrum Edinburgense · sexto die mensis Aprilis anno Domini millesimo quingentisimo trigesimo · et regni nostri xvij ·

James R ·

V.

KING JAMES V. TO SIR THOMAS ERSKINE.

Kingis leter to Schir Thomas Erskyne.

Secretair · I commend me hartly to yow · I hawe send my Lord Maxwell to yow that he may hawe your awyce in syk thyngis as now ocurys · and tusching thyr dayis [ ] quhilkis he [ ] quhom to ye sall gyue credence ·

James R ·

VI.

COMMISSION, JAMES V. TO THE DUKE OF ALBANY.

Jacobus Dei gratia Rex Scotorum · illustrissimo principi Francisco eadem gratia Francorum Regi Cristianissimo eiusque consilio · ac aliis omnibus quorum interest intererit aut interesse poterit · Salutem · ac per presentes notum facimus · pro cognita et jam satis explorata apud nos fidei constantia charissimi consanguinei nostri Johannis Albaniæ ducis · eundem cum consensu dominorum consilii nostri fecimus constituimus et ordinauimus ac tenore presentium facimus constituimus et ordinamus · nostrum commissarium procuratorem et ad infra scripta negociorum moderatorem generalem et specialem · videlicet · ad proponendum et exponendum desiderium nostrum pro futuro matrimonio inter nos et Dominam Magdalenam filiam maiorem natu dicti Cristianissimi Regis fratris nostri · necnon de et super aliis quibusdam negociis secundum credita eidem transmissa · et super eiusmodi negocio matrimonii et aliis cum omnibus suis accessoriis communicandum tractandum concordandum et finaliter concludendum · ratum et gratum firmum atque stabile habentes et habituri id omne et quicquid dictus noster consanguineus ac commissarius nostro nomine in premissis duxerit agendum et faciendum ac si nos presentes et personaliter interessemus · Datum sub nostro magno sigillo apud oppidum nostrum Edinburgense · sexto die mensis Aprilis anno Domini millesimo quingentesimo trigesimo · et regni nostri decimo septimo ·

James R ·

VII.

TRANSUMPT, DATED 29TH MARCH, 1530, OF CHARTER BY CHARLES VII. KING OF FRANCE, GRANTED IN 1428, IN FAVOUR OF KING JAMES I.

In Dei nomine Amen · Vniuersis sancte matris ecclesie filiis ad quorum noticias presentes litere siue presens publicum instrumentum huiusmodi transsumptum siue transscriptum in se continentes siue continens peruenerint

seu peruenerit · Jacobus Symson · magister in artibus rector de Kirkforther ac officialis Sancti Andree infra archdiaconatum Laudonie · salutem in omnium Saluatore · Nouerit vniuersitas vestra quod hodie comparuit coram nobis in judicio honorabilis vir Adame Otterburne ab Auldhame · prepositus Edinburgi ac aduocatus excellentissimi principis domini Jacobi Dei gratia Scotorum Regis illustrissimi ac eius nominis quinti · quandam cartam siue literas excellentissimi et Christianissimi principis et domini Domini Karoli eadem gracia Francorum Regis · pergamino scriptas eius sigillo cera viridi cum cordulis cericis eiusdem coloris sigillatas · manu sua tenens cum ea qua decuit reuerencia humiliter exposuit et declarauit quod · cum idem supremus dominus noster Rex huiusmodi literas intendit in certis judiciis et extra ostendere illisque uti · et earundem amissionem vetustatem perdicionem alienacionem aut ex alio casu fortuito destructionem timeat vt super huiusmodi literis transsumptum siue transscriptum cum interposicione nostri decreti decerneremus · Nos vero officialis predictus attendens huiusmodi supplicacionem fore iustam et rationi consonam ad justificationem nostri processus literas nostras citatorias siue edictum publicum eidem Ade Otterburne ex parte dicti supremi domini nostri Regis decreuimus · in quibus seu quo omnes et singulos sua in hac parte interesse habentes seu habere putantes ad certum peremptorium terminum videlicet octo dierum ad comparendum coram nobis die date presentium loco consistoriali consueto · ad audiendum et videndum huiusmodi literas transsumi transscribi et in publicam transsumpti formam redigi cum interpositione nostri decreti · necnon ad dicendum contra premissa si quid voluerint cum intimatione vt in talibus moris est · In quo termino sic per nos statuto nobisque pro tribunali sedentibus iterum comparuit dictus Adam · et huiusmodi literas regias atque nostrum edictum citatorium siue nostras literas legitime executas et indorsatas quarum vigore omnes et singulos sua interesse habentes seu habere putantes citatos vocatos et non comparentes contumaces accusauit · ipsosque contumaces prout merito erant reputandi reputari · atque in pena contumaciarum suarum huiusmodi literas regias transsumendas et transscribendas cum interposicione nostri decreti decerni et declarari · instanter petiit et postulauit · Nos vero Jacobus officialis predictus omnes et singulos sic citatos et vocatos ac non comparentes prout merito erant reputandi contumaces reputauimus · et in pena contumaciarum suarum huiusmodi regias literas recepimus tenuimus inspeximus et diligenter examinauimus · quas sanas et integras non viciatas non cancellatas non rasas

non abolitas sed omni prorsus vicio et suspicione carere reperimus · quarum sigilli descriptio talis erat ymago regis sedentis in sede regali cum corona in capite et sceptro in vtraque manu · circumscriptio erat *Sigillum Karoli Dei gracia Francorum Regis ordinatum in absencia magni* · quarumquidem literarum regiarum de uerbo ad uerbum tenor sequitur et est talis · KAROLUS Dei gracia Francorum Rex · Notum facimus vniuersis presentibus et futuris · quod nos considerantes longas et sinceras amicicias et confederaciones inter Cristianissimos Reges Francie bone memorie predecessores nostros et Reges Scocie illustrissimos ac regna et subditos vtrorumque dudum contractas et feliciter conseruatas · ac memoriter recolentes auxilia fauores et succursus nobis prestitos aduersus vtrorumque regni communes hostes per Regem regnum et subditos Scocie · et specialissime attendentes quod excellentissimus princeps frater ac consanguineus noster carissimus Jacobus Dei gracia Scotorum Rex et nos pariter easdem confederaciones ratificauimus et de nouo contraximus super eisdem juramentum prestantes · easdem etiam sanguinis appropinquacione renouando per tractatum matrimouii inter carissimum primogenitum nostrum Ludouicum Delphinum Viennensem et carissimam filiam nostram Mergaretam primogenitam eiusdem fratris nostri inter nos concordati et compromissi · quodque idem frater antiquorum hostium nostrorum communium incursus necnon aliquorum subditorum nostrorum rebellionem moleste ferens qui regnum nostrum vastantes vsurpare conantur · nobis liberaliter optulit et promisit auxilium et succursum aduersus predictos hostes et rebelles ad ipsorum repulsionem et restauracionem integram dominii nostri · miliciam et potentiam regni sui ad complementum predictorum in armis viriliter et perseueranter exponendo · et suam regiam personam si opus est nostris auxiliis non negando · prout hec omnia per suos solempnes ambaxiatores nobis exponi fecit ac per suas literas patentes nobis certificare curauit et plenius per eosdem ambaxiatores declarari · quod nominatim succursum sex milium hominum nobis destinabit qui aduersus hostes et rebelles nostros in armis fideliter et efficaciter nobis seruient in bellis et presidiis et aliiis juxta ordinacionem nostram se exponendo · quorum occasione prelibatus frater noster plura incurrere dampna poterit et incommoda patriam suam guerre et obsides quos pro redempcione et fiuancia suis dimisit in Anglia periculis exponendo nichilominus nobis succurrere non obmittens quod cum magna gratitudine commemorandum censemus · Nos hiis causis et aliis animum nostrum mouentibus · et in memoriam predictorum aliqualem

dictorum onerum dampnorum et expensarum quas ad causam dicti succursus faciet atque facit recompensacionem · eidem fratri plena potestate et auctoritate nostra regia damus concedimus ac transportamus per presentes · comitatum nostrum Xanctonensem cum castro et castellania de Rupe Forti super Carechonam · cum portubus maris si qui sint in dicto comitatu et aliis pertinenciis et appendenciis eorundem quibuscunque · Predictis comitatu castro et castellania tenendis et possidendis perpetuo per dictum fratrem nostrum ac heredes suos masculos in legitimo matrimonio ab ipso procreatos aut procreandos Reges et successores ac eorum heredes masculos ab ipsis in legitimo matrimonio et in recta linea procreatos aut procreandos · ac percipiendis et leuandis juribus fructibus et emolumentis quibuscunque eorundem · cum honoribus et dignitatibus dictis dominiis pertinentibus · homagium tantum et fidelitatem ad causam predictorum comitatus et castellanie nobis debitos ac superioritatem et ressortum et regalie nostre jura reseruantes · quodquidem homagium sepefatus frater noster faciet fieri per propinquiorem sui sanguinis · Dictique comitatus et castellania a nobis tenebuntur sub ipsis fidelitate et homagio cum honore prerogatiuis et dignitatibus parium Francie · et quibus ad causam predictorum gaudebit et vtetur eo modo quo carissimi fratres nostri Rex Sicilie ad causam ducatus Andegauie · et dux Aurelianensis ad causam ducatus Aurelianensis · et sicut alii tenentes ut pares Francie gaudere solent et vtuntur · Quocirca dilectis et fidelibus nostris gentibus presens nostrum tenentibus et que futura tenebunt parliamenta · gentibus compotorum nostrorum · senescallo nostro Xanctonensi · ceterisque justiciariis et officiariis nostris presentibus et futuris aut eorum locatenentibus · prout ad quemlibet ipsorum spectauerit · presentium serie damus in mandatis quatenus prememoratum fratrem nostrum aut eius procuratorem pro eo ac heredes suos ut supra designatur presentibus nostris donatione cessione et transportu dictorum comitatus castri et castellanie · in possessionem eorum inducendo eisdemque vnacum fructibus redditibus et emolumentis pertinenciis et appendenciis suis quibuscunque necnon predictis honoribus prerogatiuis priuilegiis et dignitatibus perpetuo vti et gaudere · pacifice faciant et paciantur · Quod vt stabile sit atque firmum literas nostras presentes sigilli nostri fecimus appensione muniri · saluo in aliis jure nostro et in omnibus quolibet alieno · Datum Caynone mense Nouembris anno Domini millesimo quadringentesimo vicesimo octauo · et regni nostri septimo · sigillate sigillo nostro in absencia magni ordinato · In plica post sigilli appensionem sic

scribebatur · Per Regem in suo magno consilio in quo vos archiepiscopus Remensis cancellarius Episcopus Sagiensis dominus de Latirmolie magnus cambellanus domini de Tremis et de Gancourt eratis · Mallier · Quibusquidem literis regiis sic copiatis transsumptis et exemplatis nos cum dictis literis originalibus collacionem fieri fecimus diligentem quas iusimul in omnibus suis terminis verbis et dictiouibus concordare reperimus · nil addito vel remoto quod facti substantiam mutaret aut intellectum variaret · Igitur presentibus nostris literis · siue presenti transsumpto vel transscripto · tantam et talem fidem consimilemque vigorem in judiciis et extra vbique locorum adhibendam fore et adhibere debere · quanta et qualis eisdem literis originalibus adhiberetur si in judiciis et extra ostense forent seu ostenderentur · decreuimus et decernimus per presentes atque per interposicionem nostri decreti declaramus · presentesque literas ad finem et effectum huiusmodi publicauimus · In quorum omnium et singulorum fidem et testimonium premissorum has literas nostras fieri fecimus patentes per notarium et scribam curie nostre subscriptum · sigillique officii nostri jussimus et fecimus appensione communiri · Datum et actum apud burgum de Edinburgh Sancti Andree diocesis · loco residencie nostre consueto · in ecclesia collegiata beati Egidii eiusdem · juxta insulam Sancti Martini · nobis inibi pro tribunali sedentibus · sub anno ab incarnacione Domini secundum computacionem ecclesie Scoticane millesimo quingentesimo tricesimo · mensis vero Marcii vicesimo nono · indictione tertia · pontificatus sanctissimi in Cristo patris et domini nostri Domini Clementis diuina prouidentia pape septimi anno septimo · hora quasi duodecima ante meridiem · Presentibus ibidem venerabilibus et circumspectis viris magistris Johanne Wod · Jacobo Carmure · Willelmo Johnsoun · domino Alexandro Scott · domino Johanne Faw · domino Matheo Symson · Willelmo Stevinsoun · et Johanne Cowttis · notariis publicis · cum diuersis aliis testibus ad premissa vocatis et rogatis.

Et ego Thomas Mailwyne presbyter Sancti Andree diocesis publicus salva authoritate apostolica notarius et coram dicto domino officiali in curia predicta scriba · quia huiusmodi literarum originalium presentationi petitioni citatorum non comparencium contumacie accusationi dicti domini judicis decreto interpositioni ceterisque premissis omnibus et singulis · dum sic vt premittitur dicerentur agerentur et fierent · vnacum prenominatis testibus presens personaliter interfui · eaque omnia et singula sic fieri vidi sciui et audiui ac in notam cepi · ideoque presentes literas siue presens publicum instrumentum huiusmodi literarum regiarum tenores fideliter con-

tinentes siue continens exinde confeci · et in hanc publicam transsumpti formam manu aliena me aliis occupato negotiis fideliter scriptam redegi · signoque et nomine meis solitis et consuetis vnacum appensione sigilli officii dicti domini officialis de mandato eiusdem signaui rogatus et requisitus in fidem et testimonium veritatis omnium et singulorum premissorum etc ·

VIII.

LETTER OF PROTECTION AND SAFEGUARD BY HENRY VIII., KING OF ENGLAND, IN FAVOUR OF JAMES, BISHOP OF ROSS, AND SIR THOMAS ERSKINE.

Vniuersis et singulis presentes literas inspecturis nos burgimagistri et scabini oppidi de Campferis in partibus Zeelandie salutem · Nouerint vniuersi nos · dato presentium vltime subscripto · vidisse inspexisse ac diligenter examinasse quasdam patentes literas salui conductus concessas per illustrissimum et prepotentem Regem Anglie etc · sub sigillo suo magno gannei coloris · veras integras non viciatas non cancellatas sed sanas et auctenticas · de verbo ad verbum in se continentes vt sequitur · HENRICUS Octauus Dei gracia Anglie et Francie Rex fidei defensor et dominus Hibernie · Vniuersis et singulis admirallis capitaneis castellanis et eorum locatenentibus custodibus portuum maris et aliorum locorum maritimorum · necnon vicecomitibus maioribus balliuis constabulariis et aliis officiaris et ministris nostris quibuscunque tam per terram quam per mare et aquas dulces vbilibet constitutis ad quos presentes litere peruenerint · Salutem · Sciatis quod nos · ad instanciam et specialem requisitionem charissimi consanguinei fratris et nepotis nostri Jacobi Scotorum Regis · suscepimus in saluum et securum conductum nostrum ac in protectionem tuicionem et defensionem nostros speciales · reuerendum in Christo patrem Jacobum episcopum de Rosse · et Thomam Erskin de Haltoun militem secretarium dicti Regis Scotorum · in regnum nostrum Anglie ac alia loca jurisdictiones et territoria nostra quecunque · cum quadraginta personis in comitiua sua vel infra et totidem equis · nec non bonis rebus jocalibus auro et argento monetato et non monetato bogeis manticis fardellis literis papiris ac aliis rebus jocalibus et hernesiis suis licitis quibuscunque · conjunctim vel diuisim tam per terram quam per mare et aquas dulces equestre vel pedestre seu aliis equitarijs veniendo

ibidem nocte dieque morando perhendinando soiornando conuersando, stando et expectando · ac negocia et alia agenda sua quecunque ibidem faciendo et expediendo · Et exinde ad quascunque partes exteras tociens quociens sibi placuerit · durante presenti saluo conductu nostro · transeundo reueniendo et redeundo · libere et absque impedimento impeticione perturbatione molestacione arresto seu grauamine quocunque nostri aut officiariorum seu ministrorum nostrorum quorumcunque · Et ideo vobis et cuilibet vestrum mandamus quod ipsos episcopum et Thomam · in regnum nostrum predictum ac loca predicta · cum personis equis ac cum bonis rebus jocalibus auro et argento monetato et non monetato bogeis manticis et fardellis literis papiris ac aliis rebus et hernesiis suis predictis · per terram mare et aquas dulces · equestre vel pedestre · tociens quociens sibi placuerit durante presenti saluo conductu nostro · veniendo ibidem morando soiornando pernoctando et expectando · et iterum vt predictum est ad propria redeundo / reuertendo / manuteneatis protegatis et defendatis · non inferentes eis aut eorum alicui · seu quantum in vobis est ab aliis inferri permittentes · injuriam molestiam dampnum impedimentum aliquod seu grauamen · et siquid eis aut eorum alicui forisfactum siue injuriatum fuerit id eis et eorum cuilibet sine dilatione debite corrigi et reformari faciatis · Prouiso semper quod ipsi episcopus et Thomas ac secum comitantes se bene et honeste erga nos et cunctum populum nostrum habeant et gerant · absque quicquid quod in nostrum prejudicium siue contemptum · aut populi nostri predicti dampnum seu grauamen · cedere valeat faciendo vel attemptando · Prouiso etiam quod si contingat aliquem ipsorum presentem nostrum saluum conductum nostrum infringere nolumus tamen alicui dictum saluum conductum nostrum minime infringenti aliquod dampnum seu prejudicium asscribi siue inferri sed illi vel illis sic infringenti vel infringentibus · In cuius rej testimonium presentibus literis nostris magnum sigillum nostrum apponi fecimus per vnum annum integrum proxime futurum duraturis · Teste me ipso apud Westmonasterium duodecimo die Marcii · anno regni nostri vicesimo tercio · Subscriptum in margine inferiori · Pexsaff · Et quia nos burgimagistri et scabini predicti inuenimus predictas literas cum eorum sigillo veras integras non viciatas · et cum presentibus in substancia et de verbo ad verbum concordantes · hinc est quod in robur et fidem omnium premissorum sigillum ad causas predicti oppidi nostri de Campferis his appendi fecimus · sexta die Nouembris · anno ab incarnatione Domini nostri Jhesu Christi millesimo quingentesimo tricesimo secundo ·

IX.

LETTER OF GIFT BY KING JAMES V. TO SIR THOMAS ERSKINE.

Rex ·

We havand consideratioun that at oure desire Schir Thomas Erskin of Brechin knycht our secretar hes renuncit and gevin owr his heretabill gift of the keping of our castell of Temptalloun and of the landis of the samyn to be disponit and gevin be ws to James Stewart oure eldest sone naturale · And inlikewiss regardand the grete coist and expenssis maid be the said Schir Thomas this trublus tyme bipast at oure command on the suyre keping strenthing and reparing of oure said castell · ffor the quhilkis caussis abone writtin / and in party for recompens of his reward for his lang and gude seruice done to ws / We gaif oure wrytingis vnder oure signete to the said Schir Thomas that we suld infeft him heretabli in twa hundreth merkis worth of land or we disponit vponne our said castell and landis of Temptalloun or dischargeit his rycht therof · Thairfore now baith movit of conscience and for conseruatioun of our honour recompensis and satifeis him as followis · that is to say · We be the tenour heirof with auiss of our comptrollar and ane parte of oure counsale gevis and assignis to the said Schir Thomas his aires and assignayis the sovme of twa hundreth pundis money of oure realme · of oure fewis and malis of oure landis and lordschip of Brechin and Nawer · yeirlie for the space of five yeris · begynnand at the feist of Martymes in the yeir of God j$^{m.}$ v$^{c.}$ thretty thre yeris includand the said terme therin and to indure continualy and togidder during the said five yeris · Chargeing heirforc oure comptrollare and auditouris of oure chekker being for the tyme to allow yeirlie to the said Schir Thomas his airis and assignays the said sovme of twa hundreth pundis thankfully and without impediment quhatsumeuir induring the space abone writtin · thir oure letteris of gift and assignatioun beand anys producit and schawin before the saidis auditouris vpon compt in our chekker and registrate in our rollis therof as efferis · And attoure · becaus the said Schir Thomas hes at oure command maid large coist and expenssis vpoune the ingetting of diueris partis of oure saidis landis and lordschip of Brechin disponit of before to vtheris · and siclyk hes maid and daly makand grete coist and expenssis vpon bigging and vther policy for oure plesour and aiesment at our

resorting and cummyng in tha partis · Thairfore and for the vtheris caussis abone writtin we be the tenour of thir presentis promittis faithfully to him and his airis that · at oure first parliament eftir oure perfite age of twenty five yeris · sall mak thame sicker in the best forme that can be deuisit of the set and fewferme he hes of oure saidis landis and lordschip of Brechin and Nawer · for gude and suyre payment making of oure fewis malis and dewiteis therof conforme to oure last and hieast rentale with the augmentatioun of the samyn · and sall that ilk tyme mak the said Schir Thomas and his airis sicker to be dischargeit heretabli of the soume of fifty merkis yeirlie of our fewis and malis of our saidis landis and lordschippis / or sall mak thame to haue the remanent of our saidis landis and lordschipis in few ferme and heretage hale togidder / payand therfore conforme to oure rentale and as he does for the laif therof · Gevin vnder oure signete and subscriuit be ws and oure said comptrollare · at Edinburgh the xxiij day of Februare · the yeir of God j$^{m.}$ v$^{c.}$ thretty and iiij yeris · and of oure regnne the xxij yere ·

JAMES R ·

X.

SIGNATURE OF THE SHERIFFSHIP OF FIFE, BY KING JAMES V., IN FAVOUR OF JOHN LORD LINDSAY OF THE BYRES.

Signett schirrefschip of Fyff for the Lord Lindsay. 14 Dec. 1538.

Our Souerane Lord · now at his perfytt age of xxv yeris complete · ordanis ane charter to be mad under his grete seill in dew forme to his louitt cousing Johnne Lord Lindesay of the Byris of the heretabill gyft of office of schirrefship of the schirefdome of Fyff · for vsing and exerceing of the quhilk office oure Souerane Lord gevis and grantis to the said Johnne and his airis all feis and dewiteis aucht and wont and lik as ony vthir had tharefore in tymes bipast · with power to thame schireff courte or courtis of the said schirefdome of Fyff to sett begyne affirme hald and continew als oft as neid beis · soittis to mak be callit · absentis to amerchiat · trespassouris to pvniss · vnlawis amerciamentis and eschetis of the said schiref courtis to raise vplift and to oure Souerane Lords vse apply and inbring · and for the samyn gif need be to poind and distrinze and to tak · iustice in all causis criminale and ciuile pertening to the said office to

exerce acording to the law · all maner of brevis letteris extractis of airis preceptis or vther chargeis to thame direct to ressaue oppin and execute · deputis ane or ma in the said office vnder thame to mak and substitute · and to creat and cause be sworne clerkis seriandis dempsteris and all vthir officiariis and membris of courte neidful for the quhilkis the said lord and his airis salbe haldin to ansuer · To be haldin and to be had the said office of schireffschip with all feis and dewiteis aucht and wont thareof to the said Johnne and his airis of oure Souerane Lord and his successouris in fee and heretage for euir with all and sindry commoditeis fredomes *etc* · frelie quietlie *etc* · but ony reuocatioun *etc* · and that preceptis be direct ordourelie hereupoun with extensioun of all clausses neidfull · and with command in the samyn to all and sindry oure Souerane Lordis lieges and vtheris quam it efferis to ansuer and obey to the said lord and his airis thare deputis and officiariis in vsing and exercing of the said office and all thingis concerning the samyn and to nane vtheris vnder all pane *etc* · Subscriuit be our Souerane Lord · at Falkland the xiiij day of December the yeir of God j$^{m.}$ v$^{c.}$ xxxviij yeris ·

James R

In dorso · Secretar · Ve charge you incontinent signet the letter maid on this signatour with the signet ye kep your self and kep this signatour that na persoun get knawlege tharof quhil we think tym it be diwlgat and gat the infeftment throw the remanent of our selis · subscrivit with our hand at Edinburgh the thrid day of Januer and of our regne the xxvi yer · and that ye signet the said letter nochtwithstanding that it is nocht subscrivit be our thesaurar ·

James R ·

XI.

CREDENCE TO BE SCHAWIN TO THE DUK OF ALBANYE IN OUR BEHALF [JAMES V.] BE OUR SECRETAIR [SIR THOMAS ERSKINE].

In the first · efter our rycht harty commendationis · ye sel schaw that we havand in remembrance the proximitie of bluid betuix ws the guid mynd our cousing hes born ws at al tymis for our honour veil of our persoun and

realme / as hes bein kend be his notable ackis and guid consaile at diuerse tymes / Quhairfor expedient and necessair we thocht presentlye be the avice of our consaile til commit til our said cousing al our grit affaris in the partis of France and Italie to be orderit and pit to guid effect in al poinctis conform tyl sic commissions instructionis and credence committit tyl you in tha behalvis · traistand that he sel applye his diligent laboris thairin at his vter powir nocht sparand his person nor substance lyke as he hes oft and diuerse tymis offerit tyl ws in tymes bypast · and the rather because he knawis quhat point of necessite we stand in presentlye be sic evil auisit persons as he knawis had the gyding of ws and our realme in this our les aige and sen his departing furtht of Scotland·

Item secundly ye sel schaw our said cousing sic commissions and credence committit to you in diuerse sortis for aventuris as mycht happin and that nain be vsit bot sic as he thinkis expedient · Prouiding alvays that the samyn be efter sic instructions and credence gevin you and that ye desir the credence to be schawin quhilkis ver send til ws vyth Vilyem Stuart and Gerard Lyon his secretair or ye pas to this effect of your commissions · to the entent that al our affaris be orderit and dressit the better and conform tyl our mynd · And efter our said cousing hes auisit ryply vyth you on al materis and bein veil informit of the sammyn ye sel present our letteris of credence tyl our brothir and confiderat the Kyng of France at sic tym and place as our said cousing thinks maist expedient for the best and haistiast dressing of all our affairis · and thairefter that al guid persuacions and resonynge be vsit to cause our said brother and his consaile onderstand the kynd and trew part kepit be ws and our predicessuris to our said brother and his predicessures on our syd · and that yit as of befoir our mynd is to continow and nocht to declin thairfra be na vay vythout the falt be in our said brother · as at grit lenht is conteinit in the credence to be schawin to him in our naim·

Thridly ve desir gif our cusing and ye pas haistely to the partis of Italie that our cusing vil mak deligence and labour in ane honest maner that ve be supportit or his depairting / of part of smal artailyerye powdir and siluer veschel and sic othir smal thingis as ye sel schaw to our said cousing quhairof thair is mair than mister · And gif sic thingis can nocht be had of our brother ye sel desir that our said cousing support ws of part of furnissing maist necessair for ws / and as he may esalye on to the tym ve ma recompense him thair foir·

Finalye and last of al ye sel schaw our said cousing that conform tyl our vritingis our mynd is hail that he geif you ferm credence as to our self and that he do na maner of thing in al our affaris bot be your avyss becauss ye ar informit thairin largely be ws and our consal and veil instruckit in euery behalf·

This is the actentik copie of the Kingis gracis credence gevin to Schir Thomas Erskyne of Haltoun his gracis secretair / to be schawin to the Duk of Albanye *etc*·

LAMB · *etc*·

XII.

KING JAMES V. TO THE DUKE OF ALBANY.

Derrest and best belouit cousing · We recommend ws on to you in oure rycht hartly maner · ye sel onderstand we hef presently direckit attouart our brother and confiderat the Kyng of France and you our traist consalour Maister Thomas Erskyne of Haltoune · our principal secretair · conform tyl our othyr vritingis past of befoir weil instruckit be aviss of our consel of our hail mynd in euery behalf and vyth sic commissions instructions and credence in diuerss sortis as is expedient and necessaire for al our grit affares in the partis of France and Italie · prayand you derest cousing at ye geif ferm credence tyl our said secretaire as to our self in al sic thingis as he hes in charge of ws at this tym · And albeit ye ver absent at the dressing of thir our grit materis we traist thai ar ordorit in the best sorte and alss conform to your consail and adwice as is possible as at grit lenht our said secretair wil inform yow · Exortand you derrest uncle rycht ardently that ye haif you in al thir our affaris conform tyl the instructions and credence to be opinnit to you be our said secretair and on na maner of vay that ye pass by the sammyn for your awin honour the grit veil of ws and our realme · and at ye haif his aduice and consent in al sik thingis as ye intend to pit tyl exicutioun · noucht doutand bot ye sel haif yow thair in / tyl our grit honour veil and plescir considerand our traist is sa mekyl in to you at this tym committing you als large powir in our saidis grit materis as may be grantit lyk as sel appeir to you be our said secretaire · traist cousing we pray

Gerwase [illegible] we gret hartly weill and
wit ye that it is murmurit heir that ye conforte [illegible]
ye George and Archebald [illegible] in ynglande syne [illegible]
quhilk was agains my comand and ye promys
quhen we departit and mair we [illegible] wnkyndnes
havys that ye would tak sic pyne to put in my mynd
quhilk I besik yow to [illegible] yow [illegible]
[illegible] band and [illegible] at ye [illegible] consydirand [illegible]
[illegible] my [illegible] and [illegible]
may [illegible] yow and [illegible] and [illegible] band and
[illegible] and ye sall want na thyng [illegible]
othir [illegible] and [illegible] and tak na [illegible]
of na thyng and be nocht [illegible] and [illegible]
[illegible] weill and ye and all [illegible] sall
thynk it weill [illegible] and praying yow
[illegible] be [illegible] band and
[illegible] band and bill and trow [illegible]
be and [illegible] and [illegible] mastres [illegible]
for and I had no [illegible] the [illegible]
ye [illegible] I [illegible]
[illegible] for [illegible]
for I sall [illegible] in the [illegible]
[illegible] and remembir [illegible]
I [illegible] and [illegible] all [illegible]
[illegible] bot [illegible]
at Edynburgh the iiii day of may

yo^rs James R

eternal God haw you evyr in gouuernance · Gevin onder oure signet at our castel of Striueling the thrid day of Aprile ·

Vostre cosing

JAMES R ·

This is the attentike copye of the Kyngis gracis lettre presentit to my Lord Duc of Albanye *etc* · be Schir Thomas Erskyn of Haltoun knycht secretaire and ambassatour for the saidis Kingis grace of Scotland to the maist Cristin Kyng of France *etc* ·

LAMB · *etc* ·

XIII.

KING JAMES V. TO SIR THOMAS ERSKINE.

The Kingis Letter to Sir Thomas Erskyne.

Secretar · I commend me rycht hartly to yow and weit ye that it is murmuryt hyr that ye sould a spolkyn with Gorge and Archebald Dougles in Ingland [ ] quhylk wase again my command and your promys quhan we departyt · And mayre atouyer the cuntre sayes that ye weyll tayk sylver to put by my matrys quhylk I besyk yow to schaw yow lyk ane gud treu servand to me at thes tym consyderant that I gawyf my materyis and credeynsce to na vder man bot to yow and be ane gud servand and ger thaim lle and ye sall want na thyng and bher yow honesly and stoute and tayk na feyr of na thyng and be nocht varyand and at your cummyng wyll God ye and all yowrys sall thynk it weyll waryt · And prayeng yow to tayk thes in [ ] for ye beand ane gud servand and lelle and trow to me I sall be ane gud tru and constant maister to yow for and I had nocht remembred me rycht on the gud servyce that ye have doun to me I had nocht schawyn yow that I herd spolkyn for do to your avyn honor for I sall never trow ille one to the tym that I se the contrayre · And remember on thes that I haue writyn to yow and apon all vther my erandyss nocht-elleyss bot God kyep yow · At Edynburghe the xiiij day of May ·

Youris

JAMES R ·

XIV.

KING JAMES V. TO THE CHANCELLOR, PRESIDENT, AND LORDS OF COUNCIL.

James be the grace of God King of Scottis · To oure chancellare president and lordis of oure counsale keparis of oure priue grete and quarter selis and all and sindry our officiariis schireffis jugeis and ministeris of law spirituale and temporale to quhom oure lettres vnder our signete sal happin to be direct · greting · Forsamekle as laitlie the leist of oure small signetis is stollin or rekleslie tynt / quhilk may be vsit be the havaris and concelaris therof to the grete skaith hurt and preiudice of ws and our liegiis gif haisty remeid wer nocht providit · Oure will is heirfore and we charge you straitlie and commandis that incontinent thir oure lettres sene ye pass and be opin proclamatioun at the mercat croce of our burgh of Edinburgh and all vtheris burrowis and places neidfull within oure realme in our name and autorite cry doun and discharge the said signete · And command and charge all and sindry havaris concelaris and withhaldaris therof or that knawis or sal happin to knaw in quhais handis the samin is that thai with all possible diligence cum to ws or our secretar in oure name and reveill the samyn vnder the pane of treasoun / quhilkis revelaris salbe wele rewardit thairfore / and the havaris and concelaris therof punyst with rigour as efferis / Gevin at Linlithgow the vj day of Marche and of oure regnne the xxvj yere·

JAMES REX·

In dorso · Apoun the tent day of Marche the yere of God j$^{m.}$ v$^{c.}$ and xxxviij yeris I Johnne Peiduvyne massir past at the command of thir our Souerane Lordis lettres to the mercat cross of the burght of Edinburght and thair be oppin proclamatioun in oure Souerane Lordis name and auctorite cryit doun and dischargit the signet within writtin · And commandit and chargit all and sindry havaris concelaris and withhaldaris therof or that knawis or salhappin to knaw / in quhais handis the samyn is / that thai with all possible diligence cum to oure said Souerane Lord or his secretar in his name and reveill the samyn vnder the pane of tressoun · Quhilkis revelaris salbe wele rewardit therfor and the havaris

and concellaris therof pvnist with rigour as efferis · efter the forme and tennour of thir our Souerane Lordis letteris · This I did befor thir witnesses Johnne Purves · George Leithe · Johnne Litill · Williame Andersoun · George Kyle · Thomas Arnote · and Johnne Young · burgessis of Edinburgh · with vtheris diuerss · And for the mair witnessing to this my indorsing my signet is affixt ·

XV.

LETTER FROM KING JAMES V. TO SIR THOMAS ERSKINE.

Rex ·

Secretar and your deputis · It is our will and we charge yow that incontinent efter the sicht heirof ye signete the gift of the lordschip of Menteith with the castell therof and their pertinentis to our deirest fallow the Queue nochtwithstanding that it is nocht subscriuit bot be ws alanerly / nor nocht with our thesaurar and his clerk nor put in thair bukis / Subscriuit with our hand at Striviling the xiij day of Aprile and of our regnne the xxix yere ·

James R ·

XVI.

LETTER FROM KING JAMES V. ORDAINING A CHARTER TO BE MADE IN FAVOUR OF MARY, HIS QUEEN, OF THE LORDSHIP OF MENTEITH AND OTHERS.

Oure Souerane Lord · for speciale fauoure and lufe that he beris to his derrest fallow Marie Quene of Scotland · ordanis ane charter off lyfrent to be maid to hir in dew forme vnder his grete sele off the gift of all and sindry his landis and lordschip of Menteith and of the castell of Downe and manys of the sammyn with tennentis tennendryis and seruice of fre tennentis therof and thare pertinentis lyand within the schirefdome of Perth for all the days of hir lyfe to the supportatioun of bying of certane

small thingis to hir proper vse / Haldand and to be had all and sindry the saidis landis and lordschip of Menteith with the castell and manys of Downe forsaidis tennentis tennendryis and seruice of fre tennentis therof and thare pertinentis to his said derrest fallow in lyfrent for all the days of hir lyfe off our said Souerane Lord and his successouris Kingis of Scotland · Be all rycht merchis and diuisys as the samyn lyis in lenth and breid with woddis planys *etc* · mylnys multuris *etc* · halking hunting fisching *etc* · with court plain *etc* · hereyeld merchete bludwete *etc* · vnlawis amerciamentis and eschetis of the saidis courtis *etc* · with all and sindry vthir commoditeis and fredomes *etc* · frelie, quietlie *etc* · without reuocatioun or aganecalling *etc* · And ordanis the said charter to be extendit in the best and maist ample forme with extensioun of all clausis neidfull · and that preceptis be direct ordourelie herupon as efferis · Subscriuit be oure said Souerane Lord at Striueling the xiij day of Aprile the yere of God j^m. v^c. and xlij yeris ·

JAMES REX ·

XVII.

LETTER OF GIFT BY JAMES V. IN FAVOUR OF SIR THOMAS ERSKINE.

Eschet Charles Fullartoun. 29 Nov. 1542.

Rex ·

We be the tenour of thir presentis giffis and grantis to our louit familiar and counsalour Schir Thomas Erskin of Brechin knycht oure secretar his airis and assignayis ane or ma · our escheate of all landis heretageis lifrentis takkis stedingis obligationis sovmes of money jewellis actis contractis and gudis movable and vnmovable quhatsumeuir / quhilkis pertenit to Charlis Fullartoun portionar of Cragy of before / and now pertening or ony wise sal happin or may pertene to ws be reasoun of escheate throw his tresonable byding and remaning fra our oist and army cumand towart Lauder the xx day of November instant / and thereftir with ws to Peblis and our west bordouris for defens of our realm and resisting of our inymyis of Ingland incontrar the command of our vttir letteris proclamationis and chargeis past thairupoun incurrand the panis contenit in the samyn · With power to the saidis Schir Thomas his airis and assignais to intromet with the saidis landis heretageis lifrentis takkis and stedingis / and to tak vp the sadis escheate gudis and dettis quhaireuir thai

may be apprehendit at ther avne hand and to dispone theron at ther plesour · And to occupy the saidis landis heretageis lifrentis takkis and stedingis with ther avne gudis or to set thame to tenentis as they sall think maist expedient · with fre ische and entre and with all and sindrie commoditeis fredomes asiamentis and richtuis pertinentis quhatsumeuir pertening or ony maner of way may pertene therto frelie quietlie wele and in peace but ony reuocatioun obstacle impediment or aganecalling quhatsumeuir · nochtwithstanding our generale act laitlie maid at our command that the escheate of na personis remanand fra our oistis and armyis suld be gevin to ony private personis · to the quhilk we mak derogatioun be thir presentis · Gevin vndir our signete and subscriuit with oure hand at Edinburgh the penult day of November the yeir of God j$^{m.}$ v$^{c.}$ xlij yeris · and of oure regnne the xxx yeire ·

JAMES R ·

XVIII.

LETTER FROM THE REGENT ARRAN TO SIR THOMAS ERSKINE.

Secretar · It is oure will and we charge you that incontinent eftir the sicht heirof ye deliuer to oure louit Archibald Douglas of Glenbervy the charter vndir the grete sele and precept of sesing past therupoun of his landis and barony of Glenbervy deliuerit to you in keping be vmquhile oure Souerane Lord that last decessit of gude mynd quham God assoilze · as ye will ansuer to ws therupoun kepand this oure writing for your warrand · Subscriuit with oure hand at Edinburche the tent day of Januar the yeir of God j$^{m.}$ v$^{c.}$ xlij yeris ·

JAMES G ·

XIX.

ORDER BY THE REGENT ARRAN TO SIR THOMAS ERSKINE.

Gubernator ·

Welbelouit freind we grete you wele · Forsamekill as we send oure louit familiar seruitor Williame Wod of Bonnyntoun to you to

Command to delyver the contract be-

tuixt his Majestie and Erll of Cravfurd. 1 Aug. 1543.

require you to deliuer to him in our name all writingis and contractis maid betuix vmquhile Danid erle of Craufurd that last desessit and Danid Lindesay of Edzell / and ye confessit that ye had ane contract maid betuix oure Souerane Lord quham God assoilyze and the said Dauid and wald nocht deliuer the samyn to the said Williame in our name bot promittit to keip the samin · Oure will is heirfore and we charge you that incontinent efter the sicht heirof ye deliuer to the said Williame in the Qnenis grace name and ouris the said contract and all otheris contractis euidentis and writingis ye hane concernyng hir grace and ws or ellis bring the samin to ws your self / and on na wise depart furth of this realme vnto the tyme ye do the premisses be vertew of the licence grantit to you · as ye will answer to ws theirupoun at youre vtir charge · Subscriuit with oure hand and vnder oure signet at Edinburgh the first day of August the yeir of God j^m. v^c. xliij yeris ·

JAMES G ·

XX.

LETTER FROM THE REGENT ARRAN TO SIR THOMAS ERSKINE.

Gubernator ·

Traist freind we commend ws to yow · We wrait to yow afore for the contract maid be the Larde of Egzell that he maid to the Kingis grace or he gat resignatioun of the landis of Crawfurd / and in the mene tyme suspending your licence quhill the said contract was deliuerit to ws · Yit as of befor we pray yow effectuuslie to deliuir the said contract to this berar oure cousing and seruand within four houris efter he present yow this writing · or than ye fail nocht your self to cum to ws with the samyn in all possible haist as ye will ansuer to ws therupoun · Subscriuit with oure hand at Edinburght the xviij day of August the yeir of God j^m. v^c. and xliij yeiris ·

JAMES G ·

To Schir Thomas Ersking knycht off Brechin ·

XXI.

RECEIPT BY THE EARL OF ARRAN TO SIR THOMAS ERSKINE.

Obligatione gevin to resyng the Eirldom of Cravfwrd *ad perpetuam remanentiam.* 28 Aug. 1543.

Gubernator ·

We grant ws to haue resauit fra Schir Thomas Erskyne of Brychene knycht ane obligatioun maid be Dauid now Erll of Craufuird and than Laird of Edzell to wmquhill our Souerane Lord that last decessit and his successouris of his gracis body gottin or to be gottin / oblisand him that incontinent efter the infeftment maid to him of the erldome of Crafuird landis and pertinentis therof that he suld tak reall possessioun of the samyn and that he and his airis suld resigne and our gif the said erldome all baronis landis annuell rentis *etc · ad perpetuam remanentiam ·* als sone as he or his airis beis requirit therto wnder the pane of ane hundretht thousand merkis Scotis money · as at mair lentht is contenit in ane obligatioun maid be the said erll to wmquhill our said Souerane thairwpon of the dait at Dunde the xxviij day of September the yeir of God ane thousand five hundretht fourty ane yeir · Subscriuit with our hand at Cowpar in Fiffe the xxviij day of August the yeir of God ane thousand v^c^ fourty thre yeris ·

JAMES G ·

XXII.

RESPITE TO SIR THOMAS ERSKINE.

Respite to Sir Thomas Erskyne off Brechin. 11 June, 1546.

Marie be the grace of God Quene of Scottis · To all and sindrie our justices schirreffis stewartis justice clerkis crownaris and thair deputis prouestis aldermen and baillies of burrowis and all vtheris oure officiaris liegis and subditis quhame it efferis quhais knawlege thir our letteris salcum greting · Witt ye ws / with auise consent and autorite of our derrest cousing and tutour James Erle of Arrane Lord Hammiltoun protectour and gouernour of our realme / to haue respitt and be thir oure letteris in the law and by the law speciallie respittis oure louit Schir Thomas Erskin of Brechin knycht for his tressonable remanyng and abydng fra

oure oist raid and army maid be our said tutour and gouernour and devisit be the lordis of our counsale at the cietie of Glasgow aganis Matho Erle of Levenax and his complices conspiratouris aganis oure authoritie · and for all actioun and cryme that may follow thairupoun and for all vtheris actionis transgressionis crymes and offenses quhatsumeuir committit or done be the said Schir Thomas in ony tym bipast / tresoun in oure personn allanerlie except / to be vnhurt vnharmit vnattechit vnarrestit unfollowit vnpersewit vnvexit and vndistrublit in his persoun landis or gudis thairfore be yow or ony of yow our officiaris liegis and subditis forsaidis during the tyme of thir oure letteris · Quhairfore we charge straitlie and commands yow all and sindrie oure officiaris liegis and subditis forsaidis that nane of yow tak vpoun hand to do or attempt ony thing incontrar or breking of thir oure letteris of special respit during all the tyme thairof vnder all hieast pane charge and offence that ye and ilkane of yow may committ and inrin aganis oure Maiestie in that part · Thir our letteris of speciale respit for the space of nyntene yeris nixt and immediatlie following the day of the dait hereof but ony reuocatioun to induir · Gevin vnder our priue sele at Striueling the xj day of Junij the yeir of God j^m. v^c. fourty sex yeris and of oure regne the ferd yer ·

Per signaturam manu domini gubernatoris subscriptam ·

XXIII.

ACCOUNTS RENDERED BY SIR THOMAS ERSKINE OF THE FEU-DUTIES OF THE LORDSHIPS OF BRECHIN AND NEVAR.

Brechane et Nevar ·

Extract compte of the Quenis fewmalis of Brechane perteinand to Schir Thomas Erskin.

Compotum Thome Erskin de Breichin militis feodifirmarii terrarum et dominiorum de Breichin et Naver redditum apud Stirling xx° die mensis Augusti anno Domini millesimo quingentesimo quadragesimo sexto de omnibus suis expensis et receptis per firmas et redditus dictorum dominiorum de terminis sequentibus · videlicet · Sancti Martini in anno *etc* · xliij vsque in diem huius compoti · et sic de sex terminis infra hoc compotum · Auditoribus Johanne domino de Erskin · Alexandro Schaw de Sauche · domino Dauid Crystesoun rectore de Cambuslang · domino Georgio Scott rectore de Balmannoch infra collegium de Abernethe ·

Item onerat se in primis de ix^c. xlix lib. xvi s. de terminis compoti efter

the forme of the assignatioun maid to the Quenis grace be my lord gowernour of the dayt at Edinburgh the xviij day of December the yeir of God j$^{m.}$ v$^{c.}$ xliij yeris makand hir grace entress to hayf bene at the Martymes nixt precedant lyke as in the act maid thairwpoun mair fullelie proportis ·

Summa huius oneris patet ·

Exoneratioun of the samyn · In the first delyuerit be the comptar to Rychert Dowgles amery man to the gowernour and Schir Patryk Wgstoun be the command of the comptroller seruitouris to my lord gowernour of the Mertimes terme aboue wryttin in anno *etc* · xliij · j$^{c.}$ lviij lib. vi s · And be payment maid to Schir Dauid Crystesoun be the Quenis grace precept and his acquittance sene vpoun compt xx lib · And be payment maid to John Foster as his acquittance beris sene vpoun compt of the termes within this compt j$^{c.}$ lxvi lib. xiii s. iiij d ·

Memorandum. My lord gowernour is to recompanse this soum of j$^{c.}$ lviij lib. vi s.

Recept Crystesoun pro xx lib.

Recept Foster pro j$^{c.}$ lxvi lib. xiii s. iiij d.

And be payment maid to Johnn Foster be ane vther acquittance sene vpoun compt of the termes within this compt j$^{c.}$ xxx lib. v s. iiij d · And be payment maid to the watche men portaris and garytouris of the castel of Striueling be preceptis of the Quenis grace and hir awin acquittance sene vpoun compt within the termes of this compt j$^{c.}$ lviij lib. vi s · And be payment maid to Johnn Foster as his acquittance beris sene vpoun compt j$^{c.}$ lviij lib. vi s. of the termis within this compt · And be payment maid to Hanse Cohren and Mychaell Gardner gunnaris be the Quenis grace precept of the terme of Witsonday in anno *etc* · xlvi as thair acquyttance beris sene vpoun compt of the said terme within this compt lxvi lib. xiii s. iiij d · And be payment maid to the Bischope of Breichane for the Eroll Bothwall be ane precept of j$^{c.}$ lib. and payit thairof be the comptar l lib · And be payment maid to ane nobill and mychty lord Johnn Lord Erskin grantit be him vpoun compt in pairt of payment to gude compt for his ordinar of the said castell of Striueling xli lib. vi s ·

Recept Foster pro j$^{c.}$ xxx lib. v s. iiij d.

Recept watchemen pro j$^{c.}$ lviij lib. vi s.

Recept Foster pro j$^{c.}$ lviij lib. vi s.

Recept gunnaris pro lxvi lib. xiij s. iiij d.

Recept Comes de Bothwell pro l lib.

Summa harum Expensarum.....ix$^{c.}$ xlix lib. xvi s ·

Et sic eque.....eque.....eque ·

Marie R ·

Jhon lord Erskin ·

Alex Schaw of Sauchy ·

Schir Dauid Christesoun persoun of Cammuslang ·

Schir G Scott ·

Apud Streueling xiij Augusti anno *etc* · xlvij ·

The compt of ane honorabill man Schir Thomas Erskin knycht fewar of the landis and lordschipis of Brechin and Naver maid at Streveling the xiij day of August in the yeir of God ane thousand fyv bundreth fowrty sewin yeris of all malis and proffeitis of the saidis landis and lordschipis pertenand to the Quenis grace our Souerane Ladeis moder sen the xx^ti^ day of Agust / in the yeir of God *etc* · fowrti sex yeiris / And sa of twa termis within this compt / that is to say Mertymes / in the yeir of God *etc* · sex yeiris / and Witsonday in the fowrti sewint yeir / Befoir thir auditouris nobill lordis Johnne Lord Erskin / Schir Johnne Cambell of Lundy maister houshald to the Quenis grace / Willem Mentetht of the Kers / Schir Dauid Crystesoun person of Cumbaslang / Schir George Scott persoun of Balmannocht ·

Item the said comptar chargis him with four hundreth thre scoir fowrtein merkis xii shillingis of the termis abon writting efter the forme of the assignatioun maid to the Quenis grace be my lorde gouernour of the dait at Edinburth the awchtein day of December in the yeir of God ane thovsand fyv hundreth fourty thre yeris makand hir grace entres to haif ben at Mertymes nixt precedent the dait of the said assignatioun / as at mair lenth is contenit in the samyn ·

Summa patet ·

Exoneratioun of the samyn · In the first be payment maid to Hanis Cochterane maister gunnar to the Quein be ane precept of her gracis datit at Falkland the xiij day of October anno *etc* · fourty sex yeris as the said Hannis acquittance beris schawin vpone comptis ane hundreth thre scoir twa merkis / And be payment maid to ane reuerend fader in God Johnne Bischop of Brechin be ane precept of the Quenis onder hir grace signat and hand wrytt datit at Falkland the sex day of October anno *etc* · fourti sex yeris of the Mertymes term fyfti libs · as his acquittans sein vpon comptis beris / And be payment maid to the said reuerend fader be the said precept and the Quenis grace command be worde of the Witsonday terme within this compt othir fyfty libs · *et hoc sub periculo computantis* / And be payment maid to the Quenis grace be ane nobill lorde Johnne Lorde Erskin in the comptaris name of ane hundreth thre scoir twa merkis xii s ·

Summa of the haill exoneratioun is four hundreth thre scoir fourtein merkis xij schillingis · *et sic eque eque eque* ·

XXIV.

LICENSE TO SIR THOMAS ERSKINE TO REMAIN FROM THE HOST AT FALA MUIR.

Licens to Sir Thomas Erskyne. Sept. 1547.

Marie be the grace of God Quene of Scottis · To all and sindrie our justices and ministeris of law spirituall and temporall and all otheris our liegis to quhais knaulege thir lettres sall to cum greting · Forsamekill as with the awyse consent and assent of our derrest cousing and tutour James Erle of Arrane Lord Hammiltoune *etc* · protectour and gouernour of our realme we of before hes tane Dauid Maister of Craufurd fear of the samyne in the place to serue in all our hoisting and raidis within the realme or without be se or be land of our cousing Dauid Erle of Craufurd enduiring his lyuetyme for guid and ressonable causes and considerationes moving ws / and in lykwyse hes exemit his cousing Schir Thomas Erskyne of Brechyne knycht throw his aige and inhabilitie of his persone fra all sick oisting and raidis induiring his lyuetym · And albeit that now our diuerse lettres and proclamationes ar past chargeing all freehaldaris and otheris our liegis to be at Fawla Muire the last day of August bipast for resisting the invasione of our enemyes of Ingland with derogatioune to all exemptiounes and licencis grantit and gevin of befor with that clause that ane persone passand as sone for the fader salbe na releif to the fader or persone that bydes at hame · Our intentioune and mynd is nocht that the exemptiounes grantit of before to oure said cousing Dauid Erle of Craufurd and till his said cousing Schir Thomas Erskyne be dischargit and revokit be the lettres and proclamatiounes forsaid bot to stand in the samyne forse and effect as of before · And attour with awyise and consent of our said derrest cousing and tutour we remitt and dischargis our said cousing Dauid Erle of Craufurd and his cousing the said Schir Thomas Erskyne for his awne persone allanerlie fra furth cuming and keiping the diet at Fawla Mure the last daye of August bipast / granting and willing that nother of thame for thair remanyng and biding at hame fra the samyne be callit persewit or accusit in ony tyme to cum bot be thir presentes remittis and dischargis all cryme and skayth that may follow theruppon for now and euer nochtwythstanding the lettres actis statutis and proclamationes maid or to be maid in the contrare and all painis contenit thairintill /

And in lyikwyse dischargis all justices schirreffis crownaris and thair deputis of ony manere persute or calling of our said cousing and the said Schir Thomas for nocht keping the diet forsaid and of thair offices in that part nochtwithstanding the forsaidis actis lettres statutis or proclamationes maid in the contrare with quhilkis we with awyise and consent of our derrest cousing and tutour forsaid dispensis be thir our lettres · Gevin vnder oure signet and subscruit be our said tutour and cousing at the daye of September the yere of God j^m. v^c. fourtie sevin yeris and of our regne ·

JAMES G ·

XXV.

LICENCE TO SIR THOMAS ERSKINE TO PASS BEYOND SEA.

Licence to Sir Thomas Erskyne to goe off the cuntrie.

Marie be the grace of God Quene of Scottis · To all and sindrie our justices schireffis juges and otheris officiaris quhatsomeuir spirituall and temporall lieges and subjectis to quhais knawlege thir our lettres sall cum greting · Forsamekle as our louit Schir Thomas Erskyne of Brechyne knycht secretar to vmquhile our maist nobill fader of guid mynd is now to passe with our licence quhilk we with awyse and consent of our derrest cousing and tutour James Erle of Arrane Lord Hammiltoune *etc* · protectour and governour of our realm be thir presentes gevis and grantis till him to the partis of France Flanderis Italie and otheris partis beyond se quhar he lykes best for recouering of his eldest sone and ayr out of captiuitie and bringing him hame furth of thai partis / and for doing of his othir lefull busynes curing and mending of his infirmities and seiknessis and thar to remane for the space onderwrittin · Quharfore we with awyse and consent of our said tutour and gouernour hes takyne and be the tenour of thir presentis takes the said Schir Thomas and all and sindrie his propre men tenentis factouris and seruandis quhatsomeuir / and all and sindrie his and thairis landis heretagis rentis benefices stedingis storeplaces fischingis cornis catell possessiones and vthir guidis movable and vnmovable quhatsomeuir quhareuir thai be within or outwith our realme onder our speciall protectione and sauegard · Attour we in the law and by the law speciallie respeitis all actiounes caussis crymes and quarellis criminall and ciuile concernyng vs or ony vtheris movit or to be movit aganes the said

Schir Thomas his propir men tenentis factouris and seruandis forsaidis in ony wyise to cesse and rest for the space of five yeris nixt to cum after the day of the said Schir Thomas departing furth of our realme · Exemyng thame and ilkane of thame and all thar actiones forsaidis fra all comperance befor quhatsomeuir juge or juges spirituall or temporall during the space forsaid · Herefor we charge straitlie and commandis yow and all and sundrie our justices schirreffis juges and vtheris officiaris quhatsumeuir spirituall and temporall lieges and subjectis forsaidis that nane of yow tak vpoun hand to do or attempt ony thing in contrare violatioun or brekyng of this our speciall sauegard protectioun and respeit in ony wyise during all the tyme therof / onder all hiest pane charge and offence that ye and ilkane of you may committe and incurre aganis our Maiestie in that part · Dischargeand yow all and sindrie our saidis officiaris juges and ministeris of law spirituall and temporall present and to cum and your deputis of your offices in that part be thir our lettres of speciall protectione sauegard and respeit quhilk we will for the space abouewritin but ony reuocatioune till induire · Gevin onder our signet and subscriuit be our said gouernour at Striueling the xxviij day of Merche and of our regne the fift yer ·

JAMES G ·

XXVI.

LICENSE, KING JAMES VI. TO JOHN ERSKINE OF BALHAGARDIE TO PURSUE LESLIE OF WARDES, NOTWITHSTANDING OF THE PROCLAMATION REGARDING THE PEST.

Rex ·

We and the lordis of our secreit counsale vnderstanding that our louit Johne Erskene of Balhagarte hes actioun intentit and dependand at his instans before the lordis of our counsale aganis William Lesle of Wardres and Johnne Lesle his sone and appeirand air ffor the wrangus molestatioun and troubling of him in his possessioun of his landis of Bennoquhie and wodis of Ardellochie within certaine boundis methis and merchis of the samen as at mair lenth is contenit in his libellit summondis rasit thairuponne In the quhilk actioun proces is stayit be ressoun of our

lait proclamatioun maid dischargeing proces in all actionis on the north syde of Forth albeit it be of veriti that the saidis personis persewar and defenderis duellis in the partis of our realme frie of all suspetion of the pest · Thairfore we be the tennour heirof grant and geve licence to the saidis persewar and defenderis to persew and defend in the said actioun nochtwithstanding quhatsumever our proclamatioun charge or lettre direct or to be direct in the contrar · Chairgeing heirfore the lordis of our counsale and sessioun to proceid and do justice in the said mater nochtwithstanding our said proclamatioun maid as said is or quhatsumeuir vthir lettre charge or proclamatioun direct or to be direct or proclamit in the contrar · Anent the quhilkis and all panis contenit therin we dispence be thir presentis · Subscriuit be our said Souerane Lord at Haliruidhouse the ellevint day of Marche 1589 ·

JAMES R ·
HUNTLYE ·
THYRLSTANE ·

XXVII.

REMISSION, KING JAMES VI. TO JOHN ERSKINE OF BALHAGARDIE.

Remissio Joannis Erskene de Balhagartie. 24 June, 1613.

Jacobus Dei gratia Rex Magne Britannie Francie et Hibernie fideique defensor · Omnibus probis hominibus suis ad quos presentes litere peruenerint salutem · Sciatis nos ex nostris specialibus gratia fauore et misericordia remisisse tenoreque presentium pro nobis et successoribus nostris remittere dilectum nostrum Joannem Erskene de Balhaggartie pro portatione vsu et jaculatione bombardarum *lie hagbuttis dagis et pistollis* aliorumque per nostros leges et acta parliamenti prohibitorum quocunque tempore aut occasione preterito diem datamque presentium precedenti · Et pro omnibus actione pena et crimine que desuper sequi vel dicto Joanni in eius persona bonis aut rebus imputari poterint dummodo partibus conquerentibus et damna passis taliter satisfaciat vt nullam super hoc de cetero justam querimoniam audiamus · Et supradictum Joannem Erskene de Balhaggartie sub firma pace et protectione nostra juste suscipientes firmiter inhibemus ne quis ei occasione predicto malum molestiam injuriam aut grauamen aliquod inferre presumat injuste super plenariam nostram forisfacturam / aut mortem ei inferat sub pena amissionis vite et

membrorum · In cuius rei testimonium has literas nostras remissionis pro toto tempore vite dicti Joannis Erskene duraturas sub nostro magno sigillo sibi fieri fecimus patentes · Apud Edinburgum vigesimo quarto die mensis Junij anno Domini millesimo sexcentesimo decimo tertio · annis regnorum nostrorum respectiue quadragesimo sexto et vndecimo ·

XXVIII.

LICENSE BY THE SECRET COUNCIL TO HOLD A WEEKLY MARKET AT THE CHAPEL OF THE GARIOCH.

Counsellis varand for the mercatt at Chepell of The Garioche. 29 July, 1628.

At Halyruidhous the twentie nyne day of Julij the yeare of God j^{m}· vj^{c}· and twentie aucht yeeres / Anent the supplicatioun presented to the lordis of secreit counsell be the gentlemen parochineris and otheris inhabitants within the parochin of Logydurnoch makand mentioun that whair the saids supplicants are distant from anie burgh and fra all publict mercats and faires saxtein myles or thairby / and that they can nocht be provydit with flesh fish nor no others necessars for furnishing and interteaneing of thair housholds without extraordinar great charges and expenssis whilk hes so wracked many of thame as they ar not able longer to vnderly that burdein / Humbelie thairfoir desyring the saids lords that they would give and grant vnto the saids supplicants libertie and warrand to keipe and hold ane publict mercat weekelie at the Chappell of The Garrioch / whilk is the most commodious pairt and pleace within the whole bounds of the said parish for keeping of ane mercat / And that they may haue letteris direct to make publicatioun of the halding of the said mercat in forme as effeirs / lykeas at mair lenth is conteanit in the said supplicatioun · Quhilk being read heard and considderit be the saids lords / and they knowing perfectlie the great incommoditie and prejudice that the supplicants susteanes by thair removall and farre distance from anie mercat / and being willing for thair greater ease and more seasonable furnishing with vivers to grant thame all the lauchfull favour that in suche ane caice can be allowed / Thairfoir the lordis of secret counsell hes gevin and grantit / and be the tennour herof giues and grants / full power libertie and warrand to the saids supplicants to keepe and hold ane publict

mercat weakelie at the Chappell of The Garioch as the most commodious and opportune plaice within the whole bounds of the parochin for suche purpose vntill the terme of Mairtimes nixt to come allanerlie / Provyding alwayes / and it is heereby expresslie declaired / that if the burrowes or anie other personis finding thame selfis interessed by keeping of the said mercat sall compleane to the counsall the saids lords after consideratioun of thair greivance and reasouns of the same will take suche course for dischairging of this warrand or shortning of the tyme thairin conteanit as they sall find the merite of the caus to require / And ordanis letteris to be direct to make publicatioun of the halding of the said mercat in forme as effeirs · Extractum de libris actorum secreti consilii S · D · N · Regis per me Jacobum Prymrois clericum ejusdem sub meis signo et subscriptione manualibus ·

JACOBUS PRYMROIS ·

XII.

THE ERROLL PAPERS.

THE ERROLL PAPERS.

E. The Constabulary.

I.

CHARTER BY KING ROBERT I. TO SIR GILBERT THE HAY OF THE OFFICE OF THE CONSTABULARY OF SCOTLAND. XII NOVEMBER MCCCXIV.

Carta Gilberti de Haya de officio Constabularie.

Robertus Dei gracia Rex Scotorum · Omnibus probis hominibus tocius terre sue Salutem · Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Gilberto de Haya militi dilecto et fideli nostro pro homagio et seruicio suo officium Constabularie Scocie cum pertinenciis · Tenendum et habendum dicto Gilberto et heredibus suis de nobis et heredibus nostris in feodo et hereditate cum hostilagiis ad dictum officium pertinentibus · Libere quiete plenarie et honorifice et cum omnibus aliis libertatibus comoditatibus aisiamentis et iustis pertinenciis ad idem officium de iure aut consuetudine spectantibus aut spectare valentibus · Ffaciendo nobis et heredibus nostris dictus Gilbertus et heredes sui seruicium inde debitum et consuetum · In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi · Testibus Bernardo abbate de Abirbrothoc cancellario nostro · Thoma Ranulphi comite Morauie nepote nostro · Jacobo de Duglas · Alexandro de Meigners et Roberto de Keth marescallo nostro militibus · apud Cambuskyneth · duodecimo die Nouembris anno regni nostri nono ·

II.

OBLIGATION FROM THOMAS CUTHBERT DWELLING IN THE CONSTABLE LAND IN INVERNESS TO WILLIAM FIRST EARL OF ERROLL. XXIII AUGUST MCCCCLV.

Be it made kend till all men be thir present letters me Thomas Cuthbert burges of Inverness to be obliged / and be thir my letters oblige me /

to an high and mighty lord William Earl of Erroll and Constable of Scotland / That for his Constable lands giveu to me in fee and heritage after the tenor of the charter made therupon I my airs and my assigneys shall find yeirly to the said lord William his airs a sufficient stable upon the said ground for the number of twelve horses for all the tym of their residence in the burgh of Inverness / togidder with sex pennies Scots yearly if it be askit be the said lord or his airs · In witness wherof my seal to these letters is / to endure perpetually / at Inverness the xxiij day of August the year of our Lord j^{m}· cccc and fyve years·

III.

COPY OF AN ACT MADE IN KING JAMES THE SECOND'S TIME BEING THE LXVII ACT BE HIS GENERAL COUNCIL CONVEENED AT EDINBURGH XIX OCTOBER ANNO MCCCCLVI.

OF DISTRESSIS FOR CONSTABIL FEIS.

ITEM quhar the Constabill deputis and his miuisteris in the tyme of the Sessione and generale consale and parliamentis takis distressis for Constabill feis of all maner of gudis gret and small that cumis to the mercat to sell / baith merchaudice and vittail · It is sene spedful at that vse be laide done and forborn in tym to cum bot gif the Constabillis feftment beir him till it / and at that be schawin to the King and the three estatis at the nixt parliament or generale consale · And at in the meyne tyme the Constabill cess for ther can na lawe be fundyne accordande to that vse·

IV.

INSTRUMENTUM WILLIELMI COMITIS DE ERROLL PRO CIRCUITU ET AMBITU DICTIS *LE BARRAS* ETC. XXX JULII MDI.

Ane instrument that the Erll of Erroll hes the barras of men fechtin in singular battail.

In Dei nomine Amen · Per hoc presens publicum instrumentum cunctis pateat euidenter Quod anno incarnationis Dominice millesimo quingentesimo primo · mensis vero Julii die penultimo · Indictione quarta · pontificatus sanctissimi in Christo patris et domini nostri Domini Alexandri diuina prouidentia pape Sexti anno nono · In mei notarii publici et testium subscriptorum presentia / Personaliter accesserunt honorabiles viri Alexander

Laudir prepositus · Johannes Williamesone Stephanus Borthwic balliui · Willielmus Carmichell thesaurarius · Andreas Bartram et alii quidam de conburgensibus et convicinis burgi de Edinburgh · ad presentiam nobilis et potentis domini Willielmi Comitis de Erole et Constabularij Scocie · Exponentes declararunt qualiter ad suam instantiam summoniti fuerant coram supremo domino nostro Rege et dominis sui consilij pro iniustis intromissione et detentione ab ipso certorum lignorum et meremiorum cum aliis munimentis quibus efficiebatur ambitus et circuitus dictus *Le Barras* in quo conpugnarunt et certarunt Johannes Coupante Gallicus et Dominus Patricius Hammilton miles infra dictum burgum / Quod in hoc cum dominacione sua in placito minime stare voluerunt nec apparere set in contentacione eiusdem sibi tradiderunt certam pecuniae summam / de qua tenuit se idem dominus Comes plenarie contentum pro hujusmodi *Lie Barras* · Et pro fauoribus et gratuitis per ipsum dominum Comitem dictis preposito balliuis et burgensibus nomine dicti burgi faciendis et perpetrandis / promiserunt ipsum dominum in dicto suo officio Constabularie ad suum honorabile posse supplere et fortificare · nec ipsum in consimilibus casibus cum contigerint nec in aliis ipsum officium concernentibus impedire nec contra ipsum in premissis aliquatenus pro futuris temporibus mouere seu contravenire · Super quibus omnibus et singulis prefatus dominus Comes a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum siue publica instrumenta · Acta erant hec apud Edinburgh in hospicio dicti domini Comitis hora decima ante merediem vel éocirca / sub anno mense die Indictione et pontificatu quibus supra · Presentibus ibidem honorabilibus viris Edmundo Hay de Meginche · Johanne Ramsay de Mury · Patricio Hay de Leyis · Andrea Strathauchin et Willielmo Strathauchin · cum diuersis aliis testibus ad premissa vocatis et requisitis ·

Et ego Henricus Strathauchin clericus Sancti Andree diocesis publicus auctoritatibus Imperiali et Regali notarius premissis omnibus et singulis dum sic vt premittitur agerentur · *etc* ·

V.

OBLIGATION BY THE PROVOST AND MAGISTRATES OF EDINBURGH TO WILLIAM FOURTH EARL OF ERROLL. XVII FEBRUARY MDVIII.

We provost baillies and councill of the burgh of Edinburgh binds and obleissis us faithfully till ane noble and michtie lord William Earle of

Errole Lord Hay and Constable of Scotland · fforsameikle as he hes made and constitute us provost and baillies forsaid and our successors that sall happen to be for the time his deputs in the office of Constabularie for the term of three years next after the date hereof / and therafter for his will to endure / as his wreiting made thairupon proportis · That therfor we obleiss us and our successors forsaid that we nor they sall in na tym to come do any prejudice hurt or skait to the said lord in his office of Constabulary but sall advance the privilege honour and profit thairof at all our guidlie and possible power · And sall not be halding of our courts pertaining to us / our burrow court sherif court or water court / derogat nor mynis the faculty nor privilege of the said Constable courts by any maner of way but fraud or gyle · And alss that we sall not sit nor knaw noyther upon the action of blude nor strublance committed be ony partie or ony persons the Kings Majestie beand in the said town of Edinburgh or within four miles about but be authoritie of the said Constable courtis · and gif we doe / that beand notourlie known done of wilfulness and not of ignorance / the said depute granted be him till us to be reportit · And notwithstanding that our said lord Constable has giffen to us the unlawis and escheits of courtis and barras with all other things perteining thairto to our awn use / yet when his lordship happens to be present he to remitt and forgiffe them of what pleases him endurand all the tyme that we are deputs to him · In witnessing hereof we gart affixit to thir our present lettres subscryvit with a part of our hands our sele of cause of the said burgh · At the same the xvij day of the moneth of February the yeir of God j$^{m.}$ v$^{c.}$ vii yeirs ·

VI.

LICENSE BY KING JAMES V. IN FAVOUR OF WILLIAM SIXTH EARL OF ERROLL. XXII APRIL MDXXXVIII.

Rex ·

Dispensacioun gevin to Williame Erll of Erroll for geving hym entres to the officis of Con-

We ffor resonabill cawsis and consideracionis mowing ws giffis and grantis ffull licens and pouer to our cosing Williame Erle of Erole to be seruit be breuis off oure chapell beffor the shireffe of Abirdene and his deputis / at day or dayis assignit thairto / off the office of Constabillye off oure realme / shirefshipe off Abyrdyne and patronage of the kyrk off Turreff / as

narest and lawchffull ayr to wnquhill Williame Erle of Erole his ffathir / nocht wythstanding oure saide cosingis minorete and less age / anent the quhilk we dispenss be the tennor off thir presentis / and na error to be imput to the shireffis nore assiss that passis apoun the inquest for serwing off the saidis breues be resoun of oure saidis cosingis less age bot to be quyt thair-off / be thir presentis subscriuit be ws and wndir oure signet At Steruileing the xxij day of Aprile and off oure renge the xxv yeir / but preiudice of the ward ·

stablerie shirefchip of Abirdene parsonage of Turreff nocht withstanding his menorite.

JAMES R ·

VII.

AN PRIVILEDGE OF THE CONSTABULARY TOUCHING THE PUNISHMENT OF OFFICERS OF ARMS. XVI JANUARY MDLV.

Apud Edinburgum xvj Januarij m°· ccccc°· liiij°·

The quhilk day in presence of me Lyoun King of Arms and remanent heraulds chapterly conveent for the time / havand consideration of the many oppressions done be William Crarar messinger upon our Soveraign Ladys leidges / and in special upon the poor tenands and workmen of the Abbay of Coupar and the countrey adjacent therto / as is notourly known be the said Lyoun and remanent Heraulds forsaids / and an part of the saids oppressions confest be the said William · Therfor decernes the said Williams arms to be taken from him and his person delivered to my Lord Constable to be punished at the Queens heynesses pleasure in example of others ·

LINDSA OF THE MONT LYON KING ·

VIII.

LETTER KING JAMES VI. TO THE BURGHS IN FAVOUR OF ANDREW EIGHTH EARL OF ERROLL. XXIII JANUARY MDLXXX.

James be the grace of God King of Scottis · To the prouest and baillies of our burrowis of Edinburghe / Lynlythgw / Striuiling / Glasgw / Air / Perthe / Couper in Fyfe / Sanctandrois / Dundie / Abirdene and all vtheris our burrowis within our realme quhair euer our presence and palice of honour

Copie of letteris chairging all burrowis to assist and mak thair prisones

patent to the Lord Constabill and his deputis.
23 Jan. 1580.

salbe for the tyme / We greit yow weill · Forsamekle as for pwneischment of trespassouris invaideris and schedderis of vtheris blude within four myllis to our presence It hes pertenit and pertenis to our Constable and his deputtis to tak inquisitioun of all sic personis committeris of the saidis crymes / put thame to the knauledge of ane vnsuspect assyise / and the persones quhatsumever apprehendit culpable or being convict to caus be put in waird thairintill to remaine ay and quhill thai mak satisfactioun for thair trespass conforme to the lawis and constitutiones maid and vsit thairanent ofbefoir · ffor executioun of the quhilk it is necessar and expedient that all our tolbuithis presonis and warding houssis / within our saidis burrowis and vtheris partis of our realme quhair it salhappyne ws to be for the tyme / be maid patent and radye to our said Constable and his deputtis and officieris for incarcering of quhatsumeuer personis committeris of slauchter mutilatioun blude drawing and vtheris crymes pertenyng to the said office / And that your assistance and fortificatioun is requisit for that effect / quhairby sic trespassouris may resaif dew punischment for thair offences in example to vtheris inquyet ws our richt traist counsalouris and nobilitie daylie attending and awating vpoun ws for the welefair of ws our realme and lieges · Oure will is heirfoir and we chairge yow straitlie and commandis that ye and ilkane of yow be your selffis and your officieris in your names as ye salbe requirit heirto concur fortifie and assist with our said richt traist cousing and counsalour Andro Erll of Erroll our Constabill forsaid and Williame Hendersoun his deput and thair officiaris in executioun of the said office in all tymes cuming conforme to the priueledge and iurisdictioun thairof of auld vsit and vount in all pointis / And for that effect that ye mak oppin presoun and your tolbuith durris patent to thame at all tymes for resaving of the saidis transgressouris thairintill / lyk as thair predicessouris and thai hes bene in vse thairof for the bettir putting of the said office to dew executioun in all tymes bygane / as is cleirlie vnderstand and schawin to ws and the lordis of our secreit counsale be sindry letteris and ordinances maid to thame thairwpon be oure maist noble predicessouris ofbefoir / as ye and ilk ane of yow will schaw and declair your dew obedience to ws in your offices thairanent and answer to ws thairwpoun as effeiris · The quhilk to do we commit to yow coniunctlie and seueralie our full powar be thir our letteris / deliuering thame be yow sene and vnderstand agane to the berair · Gevin vnder our signet and subscriuit with our hand at Halyrudhouse the xxiij day of Januar and of our regnne the xiij yeir · 1579 ·

IX.

LETTER KING JAMES VI. TO THE PROVOST AND BAILLIES OF EDINBURGH IN FAVOUR OF FRANCIS NINTH EARL OF ERROLL. VIII DECEMBER MDXCI.

Charge at The Constabillis instance aganis the provest and bailhies off Edinburgh subscriueit be the Kingis Maiestie. 1591.

James be the grace of God King of Scottis · To our prouest and baillies of our burgh of Edinburgh now present and being for the tyme in all tymes cuming / We greit yow weill / Forsamekill as for punischement of trespassouris invaideris and schedderis of vtheris blude within foure myllis to oure presens / It hes pertenit and pertenis to our Constabill and his deputtis to mak inquisicioun of all sic personis committeris of the saidis crymes / put thame to the knawlege of ane vnsuspect assyse / and the personis quhatsumeuir apprehendit culpabill or being convict to caus be put in waird thairintill to remane ay and quhill thay mak satisfactioun for thair trespass conforme to the lawis and constitutionis maid thairanent off befoir · ffor executioun of the quhilk it being necessar and expedient that all our tolbuithis preasones and wairding places / within our burrowis and vtheris pairts our realme quhair it salhappin ws to be for the tyme / be maid patent and reddie to our said Constabill his deputtis and officiaris at all tymes pertening to be adiudgeit be the iurisdictioun of the said office / as alsua requisite that all magistratis of our burrowis with diligence gif thair fortificatioun and assistance thairto · Thairvpoun we directit our vtheris lettres vnder our signet and handwrittis of ws and our counsale to yow and vtheris magistrattis of all and sindrie our saidis burrowis chargeing and commanding that not allanerlie suld all tolbuithis and wairding houssis be patent / bot als that ye and thay suld diligentlie concur to the effect foirsaid Likeas hes bene done in all tymes bygane to our Constabillis thair deputtis and officiaris / as was cleirlie vnderstand and sene be ws and our secreit counsal be sindrie ordinances and lettres direct thairvpoun be our maist nobill progenitouris of gude memorie · Notwithstanding it hes bene diuers tymes meanit vnto ws and last now laitlie that ye and the jevelouris not onlie are slaw and [on]reddie to mak your tolbuith and preasoun oppin and reddie to our said Constabill his deputtis and officiaris / and to concurr and assist thame in executioun of the said office / bot als oftymes ye and your clerkis ..... your selfis to be assysoris and tak administratioun and rewleing of our saidis

Constabill courttis as ye pleis / maist wrainguslie and violentlie vsurpand the said honorabill office vpoun yow / quhairof ye haif na maner of rycht nor tytill likeas we haif sene be ane transsumpt of your predicessouris obligatioun quhairby ye war faithfullie oblist to vmquhill our rycht traist cousing Williame Erle of Errole Lord Hay Constabill of our realme with all thair power to advance him and his deputits in the executioun of the said office / and at na tyme to cum to the courttis thairof vnrequireit or to hald ony courtis your self or to attempt ony vther thing that may dirogat or diminische the facultie or priviledge of the said Constabill courttis / and specialie that our saidis prouest and baillies for the tyme nor thair successouris suld sit nor knaw vpoun ony actioun of blude or trubulaunce committit be ony maner of persoun within our said burgh of Edinburgh / oure predicessouris or thair successouris being in the samyn or within foure myillis thairto / as mair amplie is contenit in the said obligatioun and autentik transsumpt thairof · In contravenyng quhairof we man esteme yow to do wrang / and except ye abstene thairfra in tyme cumming and suffer our said Constabill and his deputtis frelie to exerse and vse the said office be thame selfis and thair officiaris / and on na wayis to interpone yow in ony thing concerning the samyn bot quhan your assistance is craveit / We will se sum gude ordour tane for oppressing of your contempt quhairvnto we were laith ye suld mak ws forder occasioun · Oure will is heirfor and with aduise of the lordis of our secreit counsale we charge straitlie and commandis yow and your successouris / with all your clerkis present and being for the tyme / That ye nor nane of yow pretend to enter in our said Constabill courttis athir as iudgeis assyisouris or as rewlaris thairin / bot onelie to gif your assistance quhan ye are requireit be thame / And that ye at na tyme hinder or mak impediment to our said constabill and his deputtis frelie and fullie to vse and exerce the said office be thame selffis on all occasionis / according to his accustumat liberteis and preuiledges of the samyn grantit be ws and our maist nobill predicessouris thairvpoun and as hes bene frequentit and vsit be our Constabillis and thair deputtis in tymes bygane / as ye and ilkane of yow will declair your obedience dew to ws and vnder all hiest pane charge and offence quhilk ye may incur and inrin aganis our Maiestie in that behalf / persuading your selfis we will not omit the pvnischement of your inobedience incais ye or ony of yow attempt to do ony thing in the contrar thir our lettres and charge foirsaid / and that in respect of the priveleges and honour of the said office and that we haif sene quhat your predicessouris

oblist thame and thair successouris to the same effect of befor · Ordaining our officiaris of armes to pas to our mercat croce of our said burgh of Edinburgh and thair be oppin proclamacioun mak publicacioun of thir our lettres and charge abouewrittin to all and sindrie our liegeis / commanding and chargeing thame to reddelie ansuer intend and obey to our said Constabill and his deputtis in all and sindrie things concerning thair said office in tyme cumming vnder the panes foirsaid as ye will ansuer to ws thairvpoun / deliuering thir our lettres be yow sene and considderit agane to the beirar · Gevin vnder our signet and subscriueit with our hand At Halyrudhous the aucht day off December and of our regnne the xx fyft yere · 1591 ·

JAMES R ·

X.

LETTER KING JAMES VI. TO THE BAILLIES OF LEITH. XX JANUARY MDXCVI.

Rex ·

Bailyeis of Lethe / This salbe to latt yow vnderstand that it is humelie meint and schawin vnto ws be oure daylie seruitour Williame Henrysone Constable deputt of oure realme That ye have vsurpit his office and hes tane the jugement thairoff vpone yow / quhilk on na wayes pertenis vnto yow / to sitt and hald court vpone the actionnes of slawchter mutillacioun drawing of blude or trubulance within the space and boundis of foure myles cyrcuate our maist royall persoun lykeas the samyn hes been cleirlie understand oft and diverss tymes of befoir vnto ws and the lordis of oure secreit counsel / Quhairfoir we esteme ye have done wrang in halding of court laitlie vpon Johne Schankis induellar in Lethe / the quhilk we will se repairit be yow / And that becaus Andro Melveill our maister of houshald and Williame Henrysoun our Constable deputt send ane messinger at armes to stay your last court anent that actioun quhilk on na wayis ye wald obey · Quhairfoir we command and chairges yow and everie ane of yow / and thais that salbe for the tyme in your places / as ye will anssuer vnto ws vpone your obedience and vnder the panes and chairge that thaireftir may follow That ye nor

Charge at The Constabillis instance aganis the provest and bailhies off Lethe vnder his Maiesties hand not to hold courtis · 1595 ·

your successouris in ony tyme beireftir hauld court cognosce or put vnto tryall befoir yow ony of the foirsaidis cryms committit within the boundis forsaids be ony persoun or persounes quhatsumevir / bot licens of our said Constable deputt and his substitutts to try sic criminall actiounis in the Constable court haldin be him and his forsaidis / And iff ony of yow heireftir interpone your auctoritie to stopp or mak impediment to the samyn done by yow or ony of yow of wilfulnes and nocht of ignorance we will see the samyn reparit and puuisitt for your contempt as efferis · Be this our chairge direct to yow subscryvit with our hand · At our palace of Halierudhous the xx day off Januarij 1595 / and of our regne the twenty nyne yeir ·

JAMES R ·

XI.

ACT OF SECRET COUNCIL REGARDING THE PRIVILEGES OF THE CONSTABLE AND THE MARISCHAL. II JULY MDCVI.

Apud Perth secundo die mensis Julij 1606 · The lordis off secreit counsall having hard the contraversie betuixt Francis Erle off Erroll Hech Constabill of Scotland on the ane part And Mr Dauid Ogilvy James Stewart and Mr James Ord deputs to George Erle Mersheall in his office off Mairshalschip during the tyme of this present parliament on the vther part Anent the prevelege and libertie acclamitt be ather of thame to the keiping of the keyis of the parliament hous / And the saidis lordis being weill aduisit with all that has bene proponitt and allegit be baith the parteis in this mater / And having hard the relatioun of sindrie persounes the forme and ordour obseruit be thame in preceding parliaments / The saidis lordis findis and declairis That the keiping off the keyis off the parliament hous and the gairding of the vtter bar and yettis thairof appertenes to the Constabill ·

XII.

ACT OF SECRET COUNCIL REGARDING THE PRIVILEGES OF THE CONSTABLE AND THE MARISCHAL. XXXI JULY MDCVII.

Apud Edinburgh vltimo Julij 1607 · Forasmekle as some motioun being maid be George Erle Marshall to the lordis of his Maiesteis secrete counsal anent some preiudice allegit done to him be the saidis lordis in the previlege of his office of marshallship / the tyme of the last parliament haldin at Perth / by finding that the keyis of the parliament hous aucht to be delyuerit and keipit be the Lord Constable / quhilk the said Erl Marshall allegit to be dew vnto him be the previlege of his office and continewall bygane custome / and anent ane ambigous word mentionat in the saidis lordis decrete and sentence beiring that the garding of the *vtter bar* of the parliament hous appertenes to the Constable / And William Hay agent and servitour to the said Lord Constable being callit and hard in this mater / and all that the said Lord Marshall and he haid to say or allege being hard be the saidis lordis and thay being ryplie advysit thairwith and with thair former sentence alredy gevin in this mater in the tyme of the said parliament of Perth / The lordis of secrete counsall / for eschewing of heit stryffe and contentioune betuix the saidis Lordis Marshall and Constable and thair deputtis and for explanatioun of thair first act and sentence foirsaid gevin in this mater / declairis as of befoir that the keiping of the keyis of the vtter yettis of the parliament hous appertenes to the Lord Constable and the gairding and keiping of the vtter yettis of the parliament appertenes to the Lord Constable / and that he and his deputtis hes the charge and commandment of all outwith the yettis of the parliament hous / And that the meining and intentioun of the saidis lordis bye the word *wtter bar* wes nothing ellis bot the wtter yeattis / And siclyk declairs that the gairding of the inner bar and the charge of all within the yeattis and duris of the parliament hous appertenes to the Lord Marshall / And ordanes this decrete and sentence to stand but preiudice of ony of the saidis parteis richtis and titles ay and quhyill thair richtis and titles and that ane cleir and perfyte decisioun be gevin vpoun the previlige of thair offices auther be judges be commissioun from the parliament or than be judges compitent as accords of the law ·

XIII.

COMMISSION BY KING CHARLES I. TO ENQUIRE INTO THE HONOURS AND PRIVILEGES OF THE OFFICE OF HIGH CONSTABLE. II MAY MDCXXVII.

Commission by King Charles the First to the Lord Chancelour and others of his privie councill in Scotland, in relation to the dignities and priviledges of the High Constable of Scotland. 2 May, 1627.

Charles R.

Our Soueraigne Lord considering how the office of High Constable within his Maiesties kingdome of Scotland hath euer been from the begining thereof the most honorable and cheef office of the Crown cheeflie in maters of warrfare (the said office being of all others the most auncient and likewise a great badge and mark of a free auncient and warlike nation) And his Maiestie now considering how by the long continuance of an happie peace in his Maiesties said kingdome the honours priueledges and immunities due and properlie belonging to the said office of High Constable are encroched vpon by manie others, and much infringed from what they formerlie were, contrarie to his Maiesties royall intention which is rather to encouradge the posteritie of those well deseruing and famous men (in whose persones these honorable offices were first established) to an aemulation of the like vertue, then otherwise by discouradgeing of them to suffer their honours and priueledges so acquired by them for the credite and safetie of the said kingdome to be aniewise retrinched / His Maiestie therfor being most willing to see the integritie and fullnesse of that office of High Constable setled in the person of his Highnesse right trusty and welbeloued cousin and counsellor the Earle of Erroll now High Constable of the said kingdome (he being lineallie discended from the first person of that noble and ancient race) Ordaines a lettre of commission to be exped / vnder his Maiesties great seale of the said kingdome / giuand and granteand likeas his Maiestie be thir presents giues and grantes full power and commission to Sir George Hay of Kinfaunes knight lord chanceler of the said kingdome, John Earle of Mar thesaurer, James Marquis of Hamiltoun, George Marquise of Huntlie, George Earle of Wintoun, Alexander Earl of Linlightgow, John Earle of Wigtoun, James Lord Coluill, Sir Archbald Naper of Merchestoun knight thesaurer deputie, Sir James Skein president of the Colledge of Justice, Sir Andro Fletcher, Sir George Auchinleck, Sir Archbald Achesone knights and senatours of the said Col-

ledge of Justice, Sir Henrie Bruce knight generall of his Maiesties artelerie, and Mr Thomas Hope one of his Maiesties aduocates, or to any six of them with the said Earle, and his Maiesties right trusty and wel beloued the Lord Haye his sonne or anie one of them two to meete and conveene at whatsoeuer dayes times and places convenient And to try cognosce and considder by the lawes and actes of parliament or by former order and conswetude of that his Maiesties kingdome or by the auncient monuments registers rolles and recordes thereof or by anie right title or euidence whatsoeuer that the said Earle or his said sonne can produce or otherwys mak appear what haue been the auncient and accustomed honours hostiladges prieledges fees and immunities belonging or which did at anie time preceeding belong to the said office of High Constable And wherein the honours prerogatives and immunities belonging or which did belong to that office are retrinched and diminished from the ancient and former course keept by that office or which hath been giuen therevnto either at the first institution thereof, or at any time thereafter till this present time; And particularlie to considder the honours prieledges and immunities belonging to the said office both in time of peace and warre, and the prieledges and honour due therevnto about his Maiesties person or where the royall authoritie is represented either in parliament great convention counsell or otherwise; And if the said commissioners can not find by euident proof or by ancient monuments registers and records or otherwise in maner abone wreitten how to cleare the honours prieledges and immunities which haue been knowen or should properlie belong to the said office of High Constable: His Maiestie doth hereby giue further power to the said commissioners to considder in so farr as they can convenientlie the prieledges honours and immunities belonging to the like office in any other kingdome and how farr they or anie of them may be thought fitt to be added to the said office of High Constable hauing alwise a respect how the same may best stand and be agreeable to the lawes and custome of the said kingdome; And to the effect the said commissioners may the more exactlie try the truth concerning the premisses his Maiestie giues full power vnto them or anie of them (if need be) to search all the said recordes and registers, ffor doing whereof his Maiestie by these presentes doth speciallie warrant and command the keepers thereof; And finallie with power to them in maner foresaid to cognosce and considder such orders prieledges and immunities which for the credite of the said kingdome may best fitt the present estate of the time to be added

vnto the said office of High Constable; And after due and mature consultation and deliberation anent the premisses That they draw vp, and sett down vnder their handes their opinion and iudgement concerning the same in several articles togidder with their aduise and overtures for remed of the defects in the said office, And to report the same to his Maiestie betuixt this and the first day of Januar next following To the effect his Maiestie may thereafter tak such order concerning the same as may serue to the full and perfyt establishment of the said office in all the honours priueledges benefice and immunities which haue been knowen, should or may properlie belong to the said office of High Constable, And thir presentes shalbe sufficient warrant for appending his Maiesties great seale without passing the rest of the seales / Giuen at his Maiesties court at Whitehall the second day of May 1627 ·

May it please your Maiestie

These containe a commission to the persones abouenamed to try the honours priueledges *etc.* belonging or which did belong to the office of High Constable of Scotland; with power (if need be) to search the registers and rolles for better clearing thereof; And to try in so farr as they can convenientlie, what are the honours priueledges *etc.* belonging to the like office in forrain kingdomes, And how farr anie of them are fitt to be added to the said office, hauing respect how the same may be agreeable to the lawes and customes of that kingdome, And generallie with power to them to try what other thinges in their iudgement are fitt to be added to the said office; with command (after they have considered the premisses) to certifie bak their opiniones therein and that betwixt this and the ·

Sr W Alexander ·

[In the charter room at Slaines there is preserved another commission by King Charles I., under the great seal; which, as it is in the very same terms with the preceding (No. XIII.) is not printed here. It is dated at Whythall, the twenty-third of June, 1630: The commissioners appointed are George Viscount of Dupline, chancellor; the Earl of Mortoun, treasurer; the Earl of Monteith, president of the privy council; the Marquis of Hamiltoun; the Marquis of Huntly; the Earl of Wintoun; the Earl of Linlithgow; the Earl of Wigtoun; the Lord Naper, treasurer-depute; Sir Archibald Aitchesone of Glencairnie, secretary; Sir Thomas Hope of

Craighall, the King's advocate; Sir James Skene of Curriehill, president of the college of justice; Sir Andrew Flescher of Innerpeffer; Sir George Auchinleck of Balmanno; Sir Henry Bruce, colonel: And they are commanded to report to his Majesty before the first of December, 1631. It seems to have been under this second commission that the report (No. XIV.) which follows was made.]

XIV.

THE REPORT OF THE COMMISSIONERS APPOINTED BY KING CHARLES I. TO ENQUIRE INTO THE HONOURS AND PRIVILEGES OF THE OFFICE OF HIGH CONSTABLE. XXVII JULY MDCXXXI.

Most sacred Soueraigne

Report and articles anent the previledges of the office of Heich Constabularie. 27 July 1631.

According to the warrand and directioun of the commissioun, granted be your Maiestie vnto ws, for tryall taking of the honnouris and previledges due to the office of Heigh Constable within this kingdome; Wee haif keept sindrie dyetis and meetingis (where the now Earle of Erroll wes present) And having hard and considerit his clayme and the instructionis and warrandis produced by him for verifeing of the same, And having lykewayes informed oure selffes what the custome of other cuntreyis allowis in the lyke caises; Wee haif heirby thoght goode to sett doun in articles oure opinioun and iudgement concerning the saidis previledges, and thairwithall to certifie your Maiestie of what wee conceave to be due and belonging to the said Constable in the right of his office.

1. In all royall armyis and expeditionis The Constable in the right of his office is lieutennant generall and supreame officiar nixt vnto the King / He hes the command directioun and governament of the armye, and is proper and sole iudge in all militarye affaires and in all actiones concerning the capitanes lieutennants thair officiaris and companyis induring thair imployment or pay in the Kingis seruice; And that according to the custome vniversallie observed in other cuntreys /

2. It appeares that in former tymes heir The Constable had precedencye and place nixt vnto the chancellair, with prelatioun to all other officiaris whatsomeuer; And so far as we can learne thay haif bene in possessioun

of the same, till, of late yeiris, that your Maiesteis darrest father of ever blessed memorie wes pleased to prefer the late Earle of Dumbar to be heigh thesaurair of this kingdome, and that your Maiesteis self sensyne advanced the late Earle of Montrose to be president of your counsaill, and the Earle of Haddingtoun to be lord previe seale, Ordayning thame, in the right and warrand of thair officeis, to tak place successivelie in order nixt vnto the chancellair / Lyke as thair successouris in the saids offices presentlie enjoye the same /

3. The Constable is supreame iudge in all materis of ryot disordour bloode and slaughter committed within four myllis of the Kingis persone, or of the parliament or counsaill representing the royall auctoritie in his Maiesteis absence, and that alswele within the court as outwith the same, And the tryell and punishement of suche crymes and offences is proper and due to The Constable and his deputtis, And the provest and baillies of that citie or burghe and all other iudges, within the boundis where the saidis facts ar committed, ar obliged to ryse concur fortifie and assist The Constable and his deputts in taking of the saids malefactouris, and to mak thair tolbuithe patent for ressaving thame thairin; As wes cleirlie verified by productioun of warrandis granted by your Maiesties predecessoris to that effect, and whiche lykewayes appeared by the exhibitioun of certane bandis maid be the toun of Edinburgh to The Constable for the tyme concerning that purpos.

4. The Constable hes the charge and guarding of the Kings persone in tyme of parliament or conventioun, And the keeping of the parliament house is committed vnto The Constable, and the keys thereof delyverit vnto him for that effect / Lykeas he hes the cheiff command of all guardis and men at armes attending vpoun the Kings persone at suche tymes.

5. In tyme of parliament The Constable rydis vpoun the Kings right hand and caryes a whyte batton in token of command, and accordinglie sitteth apairt from the rest of the nobilitye vpoun the Kings right hand / having the Honnouris lyand besyde him.

6. Before the threttene parliament of King James the Secund The Constable wes in possessioun of taking distress of all maner of goodis boght or sauld in mercatt the tyme of sessioun generall counsall and parliament / Whiche being at that tyme discharged vntill The Constable should cleir his right to the same in the nixt following parliament / Wee find that in the table of the vnprinted acts of the fourtene parliament, thair is mentioun maid of

ane act, tuitcheing the taking of stresses by The Constable, bot can find no record thereof exstant in the register.[1]

7. In the originall chartour granted be King Robert the First of glorious memorie to Gilbert Lord Hay first Constable of that name and ancestour to this Earle of Erroll / Wee find the office of Constabularye to be gevin vnto him *cum Hostilagiis* as a mayne and principall priviledge belonging to the said office / Whiche being a word absolete and out of vse, and wee not knawing perfytlie the genuine sense and meaning thereof, and whither the same doeth import the libertie and right of a ludgeing deulie furnished and appointed within the Kings house (as manye doe suppose), or of ane house in euerye toun where the King did remayne, or if there be ony vther previledge or casualitye thairby implyed / Wee haif in that regaird forborne to delyuer our opinionis concerning the same, as alsua anent the putting of the crowne vpoun the Kings heade the tyme of the coronation; Whiche with siudrie other previledges ar acclaymed by The Constable to be due vnto him in the right of his office, and whereof as he alleadges his predecessouris hes bene preiudged, and the same broght in discontinuance, be reassoun of the manye ecclypses whiche that noble house fra tyme to tyme hes suffered vpoun occasioun of the vntymous death of the most pairt of his predicessouris, who, oute of thair zeale to the Kings seruice and honnour of thair countrey, did worthielie end thair dayes in battell, before they could gayne the oppertunitie of tyme, or rypnes of yeiris, to satle thair estaites and to vindicat the liberties due to thair place and office.

And thus for ane accompt of our proceidingis in the executioun of the commissioun direct be your Maiestie vnto ws, whiche wee humblie offer to your Maiesties royall consideratioun, praying God to bliss your Maiestie with many long and happy yeiris / From Halyrudhouse the tuentie sevint day of Julij 1631.

Duplin	Sr J Skene
Wintoun	Arch: Acheson
Linlithgow	A Fletcher
Wigtoune	Sr Thomas Hope
Naper	G Balmanno
	Henry Brus

(1) [The act alluded to will be found in Mr. Thomson's edition of The Acts of the Parliaments of Scotland, vol. ii., p. 50. It is in similar terms with that passed in the previous parliament, and printed above, p. 212.]

XV.

THE PROTEST OF THE EARL MARISCHAL. XXI JULY MDCXXXI.

Apud Halyrudhouse vigesimo primo die mensis Julij anno Domini j$^{m.}$ vj$^{c.}$ tregesimo primo

Protest for the Earl Marischal against the encroachments upon his office to be apprehended upon the report of the commissioners anent the dues and privileges of the Lord High Constable. 21 July 1631.

The quhilk day in presence of George Viscount Duplin lord chancellair / George Earle of Wyntoun / Archibald Lord Naper / Sir James Skeene of Currihill knight barronet president of the sessioun / Sir Archibald Achiesone of Glencairny knight barronet secretarye to his Maiestie / Sir Andro Flesher of Innerpeffer knight / and Sir George Affleck of Balmanno knight senatouris of the colledge of justice / and Sir Harye Bruce knight colonell / commissioneris appointed by warrand from his Maiestie vnder the grite seale, for cognoscing and tryall taking of the rights and previledges due to the office of Heigh Constable within this kingdome / and report making thereof to his Maiestie in maner and to the effect contenit in the commissioun direct vnto thame for that purpois Compeirit personalie Robert Keyth writer to his Maiesties signet as procuratour for Williame Earle Marshaell and in name and behalff of the said Earle protested That nothing to be done be the saidis commissioneris in the tryall and report to be maid be thame to his Maiestie tuitcheing the previledges due to the office of Constabularye, should be prejudiciall to the said Earle anent the rights liberties and previledges due and belonging vnto him in the right of his office as Marishall of the kingdome / quhairof he and his predecessouris hes bene in possessioun / or whiche hes bene contraverted and not decydit and whairunto it salbe fund after laughfull tryall that the said Earle hes iust right Quhilk protestatioun the saidis commissioneris thought reassounable Whairupoun the said Robert Keyth in name and behalff foirsaid askit and tooke instrumentis in the handis of me Mr Gilbert Prymerose clerk of his Maiesties secreit counsaill and clerk to the commissioun before mentionat The whiche to be of veritie I testifie by this my signe and subscriptioun manuall.

M G Prymerose

XVI.

LETTER FROM KING CHARLES I. TO THE LORDS OF THE PRIVY COUNCIL. XI MAY MDCXXXIII.

Charles R.

Right trustie and weilbeloued cousin and counseller, right trustie and weilbeloued cousins and counsellers, and trustie and weelbeloued counsellers Wee greet yow weell Whereas according to our commission of the first of Julij 1631, directed to certane commissioners, for trying what priviledges and dignities belong to the office of Heich Constabularie of that our kingdome report hes beene made vnto ws of what is justlie dew vnto the said office, Wee doe approve the same Bot vnderstanding there are other dignities and charges whiche doe belong vnto our Heich Constable, at the tyme of our coronation, whiche the saids commissioners have not taken to thair consideration, whiche he alledgeth doeth lykwayes belong to his office, As yow may knaw by that part of the Booke of the Coronation margined, whiche he will produce vnto yow, Wherein yow will find particularelie mentioned, what he thinks belongs vnto him. Our pleasure is that yow take the premisses into your serious consideration, and if yow find his allegationis iust that yow authorise him for discharging of the same, and whatsomever els yow find to be iustlie dew to his place, That no hinderance or trowble be in the execution thairof at our being there, Whiche recommending to your care Wee bid yow fareweill, from our court at Theobalds the xi of May 1633.

xi Maij 1633. Letter from the Kingis Maiestie to the privie consall in favouris of the Lord Constabill appruveing the report anent the priviledges of his Constabillis place.

XVII.

THE REPORT OF THE LORDS OF THE PRIVY COUNCIL.

Most sacrit Soveraigne

Your Majestys letter of the 4th March[1] concerning your Majestys coronation, together with the form of the said coronation, was

[1] [This letter, which it has been considered unnecessary to print, may be found in the Historical Works of Sir James Balfour, the Lord Lyon, vol. iv., pp. 372, 373.]

delivered unto us upon the 26th of the same moneth be James Maxwall of Kudderwick one of your Majestys bed chamber, and after perusall and reading of the said letter and forme of coronation William Earl of Erroll your Majestys High Constable of this kingdom finding nether himself nor his office any ways mentionat therin did exhibite a supplication unto us setting furth That as by his office he is High Constable of this kingdom and consequently cheiff swordman therein so the ceremonies concerning the sword are only performable by him att your Majestys said coronation, and that the honours priviledges and dignitys concerning the sword are only due and proper to him in the right of his said office, and therfore did intreat us to mantain him in the possession and excercie of his said office at the said coronation as by his supplication more at large does appear; And in regard your Majestys said letter did require us to give order to such of your Majestys officers as have ony charge in your Majestys said coronation to be cairefull in the execution and discharge of their severall services wherewith they are intrusted, and so to compose all differences as that glorious action may be performed in good order to your Majestys contentment and for the credite of this your Majestys ancient kingdom: Therefore we in humble obedience of your Majestys said directions have at large considered of the said Lord High Constable his supplication and of his said office, and do find that he in the right of his place is livetennant generall and supreme officer next unto your Majesty having the command and goverment of your Majestys armie within this kingdom, and that he is only judge in all military affairs and in all actions concerning the officers and companies of the said armie and of all ryot disorders blood and slaughter committd within four miles of your Majestys sacred person or of your Majestys parliament or councill representing the royall authority, and that unto him doeth belong the guarding of your Majestys own royall person in time of parliament or coronation, together with the command of all guards and men at arms attending upon your Majesty at such publick times, and that the keys of the parliament house ought to be committed to his keeping, and that in time of parliament he ought to rid upon your Majestys right hand and carry a white batoun in taken of his command, and that he ought to sit in the parliament house apart from the rest of the nobility upon your Majestys right hand having the Honours lying beside him; All which we humbly represent to your Majestys royall consideration whereby your Majesty may be graciously pleased to give

order for preserving the said High Constable his libertys and priviledges als weel in the coronation as parliament and conventiones, he being your Majestys cheiff officer unto whom all the ceremonies of the sword and honours of the said office do duely and properly belong so far as we can learn or find by matter of record or otherways, and the rather because we do perceive in your Majestys said High Constable a most noble and generous zeal to imitate the honour and glory of his noble progenitors whose famous and valorous actions in time of warr, and wisdom and virtues in time of peace and at all publick solemnitys, did not only merit and dignifie the said office, but also hath hitherto ever honourably preserved the same in reputation, without any spott or blemish, since their first patent therof granted be King Robert the Bruce untill Gilbert Lord Hay first Constable of that name, to whom the said William now Earl of Erroll by a long continued descent hath linealy succeeded in the said office, after the death of many of his noble ancestors, killed in the warrs and services of your Majestys most noble progenitors, deservedly recorded with commendation to all posterity by the histories and records of this your ancient kingdom; So praying God to bless and prosper your Majesty in all your royall affairs and with a long and happy reigne over us we humbly tack our leaves and sall ever rest as in duty bound to be

Your Majestys most humble and faithfull servants and subjects.

XVIII.

LITERA REGIS WILLIELMO COMITI ERROLIE PRO PARLIAMENTO. I MAII MDCXXXIII.

Carolus Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor predilecto nostro consanguineo Willielmo Comiti Errolie salutem. Quia ordinavimus parliamentum nostrum tenendum apud Edinburgum et inchoandum die Martis decimo octavo die mensis Junij proxime futuri cum continuatione dierum / vobis precipimus et mandamus quatenus sitis ibidem dicto die in dicto nostro parliamento una cum alijs regni nostri prelatis proceribus et burgorum commissionarijs qui propter hoc intererint congregati ad tractandum subeundum concordandum et determinandum in dicto nostro

parliamento ea que pro utilitate dicti regni nostri et reipublice tractanda fuerint concordanda subeunda et determinanda · Et hoc sub pena que competere poterit in hac parte nullatenus omittatis · Datum sub testimonio nostri magni sigilli · Apud Halyrudhouse primo die mensis Maij et anno regni nostri nono · 1633 ·

In dorso · Willielmo Comiti Errolie pro parliamento ·

XIX.

ACT OF SECRET COUNCIL REGARDING THE RIGHTS OF THE CONSTABLE. XVII JUNE MDCXXXIII.

Apud Halyrudhous decimo septimo die mensis Junij anno Dominj millesimo sexcentesimo trigesimo tertio

Act of secreit counsell for The Lord Constable his guarding and keiping of the keyes of the parliament hous.

The lordis of secreit counsell haueing at lenth hard the defences betuixt William Erle of Erroll Lord Heigh Constable of this kingdome on the ane pairt And Williame Erle Marschall on the vther pairt Anent the liberties priveledges and extent of thair offices respective in guarding of the parliament hous dureing the sitting of the parliament And the saidis lordis haveing lykwayes red, hard, and considderit the actis of privie counsell formerly past in this matter And haveing also consulted the Kingis most excellent Majestie thairanent And both the saidis parties being at lenth hard befor his Majestie And all that they or aither of them could propone and alledge anent the liberties and priveledges of thair said office and extent thairof being considderit be his Majestie and his Majestie being thairwith weill advysit The Kingis Majestie with advyse of the lordis of privie counsell findis decernes and declares That the keiping of the keyes of the parliament hous And the haveing of ane guard without the hous for guarding of the samen, properly belongis to The Lord Constable And that he shall have only sex men within the hous for guarding and oppening of the vtter gaite And of thir sex men that thrie be on aither syde of the vtter gaite of the parliament hous And that thair be ane stoupe set vp vpoun the braid staires of the parliament hous to be ane marche betuixt the said Constable and Marshall and thair guardes And sielyk findis and declares That the guarding of the parliament hous within from the stoupe

forsaid to the barr belongis to The Marschall And decernes both the saidis pairties to conforme themselwis to this present act and ordinance so that no matter of contest fall out betuixt thame and thair serwandis vpoun this occasioun heireftir.

Extractum de libris actorum secretj consilij S : D : N : Regis per me

XX.

LETTER FROM KING CHARLES I. TO THE LORDS OF SESSION. XVI MAY MDCXXXIV.

Charles R ·

Richt trustie and weilbelowit coosine and counseller and trustie [and] weilbelowit We greit yow weill Wheras we haue writtin..... tuitching the actione depending befor thame betuixt our Constable and .....citie of Edinburgh willing thame to proceid therin in sa far as they sall find thameselffis competent judges and to remit to yow our Colledge of Justice quhat is proper to be judged be yow / It is our plesour iff they doe remit the samen to yow / That ye administer justice thairin with all diligence without admiting dilatoury or tedious formes of law / that convenientlie can be awoyded commanding that ye defer sentence vntill ye acquant ws with the particularis of the proces quherin expecting your dilligence we bid yow fairweill / From our mansioun at Grenewich the 16 of Maij 1634 ·

Copie of the Kingis lettre to the lordis of sessioune.

In dorso · To our right trustie and weill belowit coosine and counseller the Erle of Kynnowll our chanceller of Scotland and our trustie and weil belowit Sir Robert Spottiswood knicht president of our Colledge of Justice and remanent senatouris thairof·

24 July 1634 · Producit be the provest of Edinburgh red and considerit be the lordis quha declarit thay wold haue consideratione of the lettre quhensoevir the toune of Edinburgh sall incist in the actiones·

XXI.

INFORMACIOUNE FOR THE ERL OF EROLL · III SEPTEMBER MDCXXXIX ·

It mey pleis your Lordschip / That I have served your Lordschips father and grandfather in the four parliamentis preceiding the last in anno 1633 and had the cair and charge of the keyis of the tolbuith doors vith Villiam Hay of Struie my Lord Errollis servitour for the tyme ·

The forme and maner vas thus / The night preceiding the parlament the clerk of register for the tym causit the keiper of the tolbuith delyver all the keyis thairof both of the foir and bacdoors to the Erl Erroll his servantis quha dureing the tym forsaid vas aither the said Villiame Hay or my self ·

The day of the parlament the grait foirdoor of the tolbuith vas opned at the ordinar tyme and then the Erl of Eroll and his debuttis did place his gaird from vithout the entrie of the Stinking Styll vnto the top of the Braid Stairs vithin the tolbuith ·

This gaird being set the Erl Marshall and his debuttis did set thair gaird vithin the tolbuith to the barr quhair the parlament did sit as also had tua or thrie of the said gaird standing at the doors betuix the vter and the inner houssis ·

The clerk register for the tym did desyr from the Erl of Eroll to have had the key of the backdoor quhair he his clerkes and some advocatis micht entir but var alvayes refuissit The Erl of Erroll haveing appoyntit Villiam Hay or me to attend vpoun the said door for giveing entreiss to my lord register and to his clerkis and thair vas nevir ane gaird keipit vithin this doir nather befoir nor at the tym of the sitting of the Lordis ·

The saidis keyis var keipit be the Erl of Erroll and his debuttis all the tyme of the parlament except that the saidis keyis now and then as occacioune did offer vold be lent or givin to the keiper of the tolbuith or to the clerkis or thair servantis to seik out thair processis in thair bonckers vithin the inner hous so that on my knawledge thair vas nevir any questioune maid anent the keipeing of the keyis of the tolbuith door dureing the tym of the parlament but this same var delyverit to the Erl of Erroll and his debuttis to be keipit and vseit be thaim as they vald be ansuerabil · And

this vas the forme and ordour quhilk I vill declair vpoun my conscience and knawledge.

Subscriuit vith my hand At Dronlo the third day of September 1639 Befoir thir wittnessis Sir James Hay of Smeithfeild knight and barronet squyre of his Maiesteis bodie Mr John Hay sone to Andro Hay vryter Mr Villiam Powry vryter and Mr Robert Hay my sone.

W Hay

James Hay witnes
R Hay witnes
Will: Powry witnes
Mr Jo: Hay vitnes

XXII.

FOLLOWIS THE COPPIE OF THE TOWNE OF EDINBURGH THAIR SUPPLICATIOUNE RED IN OPEN PARLIAMENT V AUGUST MDCXLI.

My lordis of parliament

Vnto your lordschips humlie meanis we your lordschips servitouris the proveist and baillies of Edinburgh That quhair vpon the first day of August instant Mr Thomas Lamb minister at Kirkurd was broght within our toune of Leith about nyn houris at night by certain persones quho had takin and apprehendit him as guiltie of the slaughter of vmquhill John Tutop committit be him neir to our said toune of Leith[1] / and was im-

(1) [In his diary of the proceedings of the General Assembly of 1641, Principal Baillie, under the date of Sunday the first of August, writes: "That day ane very unhappie accident fell in the hand of a minister, Mr. Thomas Lamb, who had been deposed by the blind Bishop of Galloway, for diverse quarrells. The ministrie of Edinburgh had obtained to him a church in the Presbytrie of Peebles. The man had alwayes been of a verie contentious humour. Thay say he had striken a man, whereof he died. However his Presbytrie, for his perversness and contentions, had suspended him. He had appealled to the Generall Assemblie. The committee, on Saturday, had agreed them, and remitted him to the Presbyterie. On Sunday, after both sermons in Leith, he told Mr. James Power that he was displeased with that accord, and would complean to the Assemblie, both of the committee and his Presbytrie. Immediatelie goeing to ease himself among the stuffe, a young man to whom the stuffe belonged, fell upon him with evell language, taking up his cloake and gloves: after some mutuall jarring, when he had gotten his cloak and gloves again, he fell in some quarrelling with the young man, and with his whanger stroke him, whereof presentlie he died. He wrote a pitifull supplication to the Assemblie, to obtain some delay of his exe-

medeatlie incarcerat within the tolbuith of Leith quhair he remaineit till Mononday at tua houris eftir noone / And from thence we transported him to the tolbuith of Edinburgh being of purpos to have put him to the knawledge of ane assyse as haveing committit the sam slaughter within the boundis and shirefdome of Edinburgh / and liberties thairof or within the boundis of our regalitie of Broughtoune / But we haveing taken tryall and inquyrie of the place quhair the said slaughter was committit, and haveing fund the samyn to have bein done within the corneriggis of the baronie of Restalrig quhilk is no wayis within the boundis of our shirefdome of Edinburgh nor liberties thairof nor within the said regalitie of Bruchtoun / We abstein from putting of him to the knawledg of ane assys and reteines him in waird till he wer callit befoir the justice generall or his deputis and put to his tryall befoir tham / And now latlie we have receaveit ane chairge from the Erle of Erroll and the Erle of Kingorne his tutour to exhibit the said Mr Thomas vpon the persut of thair procurator fiscall to tholl the law within our said tolbuith of Edinburgh / Quhilk we can not nor may not doe without our gritt prejudice, Seing thair is ane questioun depending betuixt the Constable and ws anent the rightis and liberties of the said Constabularie within the boundis of our said shirefdome liberties thairof and regalitie foirsaid · Heirfor we humblie intreat your lordschips to tak the premissis to your serious consideratioune, and to give ordour to the justice generall and his deputis to proceid and minister justice vpon the said Mr Thomas to quhom we sal be readie to exhibit him within our said tolbuith / And if that sall pleass your lordschips to give warrand to any vtheris and especiallie to the Constable that the samyn may be declared that it sall be without derogatioune to any of our liberties, and without acknawledgeing be ws of any right or privileidgis quhilk the said Constabill hes to judge within any pairt of our boundis and libeyties foirsaidis / Or to chairge ws to exhibit any persoune within any of our tolbuiths or wardhoussis / Protesting alwais Lykas we be thir presentes protestes That quhatsumeuir sall be done anent the premissis sall be without prejudice of our rightes and liberties in maner foirsaid ·

cution, till his wife and friends might come to him. This was granted. He obtained easilie a letter of sleans from the partie; bot we think The Constable will cause execute him; and so much the more, because he a minister, on the Sabboth-day, had committed that villanie in the tyme of the Assemblie and Parliament." Baillie's Letters and Journals, vol. i., pp. 367, 368. Edinb. 1841. 8vo.]

XXIII.

COPPIE OF THE ERLE OF ERROLL HIS BILL V AUGUST MDCXLI ·

My lordis and vtheris of the estaits of parliament

Vnto your lordschips humblie meanis and schawis Gilbert Erle of Erroll Heiche Constabill of Scotland and John Erle of Kingorne my tutour testamentare for his entres That quhair we being informeit of the lait slaughter or murther of vmquhill John Tutop in Leith committit be Mr Thomas Lamb sometyme a preacher vpon the first day of August instant being Sunday at evene We as Heich Constabill be vertew of our office and conforme to our rights and privileidges directit furth preceptis And thairwith causit chairge the said Mr Thomas Lamb to compeir before ws and our deputis ane or mae coniunctlie or severallie in ane justice court to be halden be ws within the tolbuith of Edinburgh vpon the thrid day of August instant To vnderly the law for the said cruell murther and slauchter And lykwayis causeit chairge the proveist and baillies of Edinburgh to exhibit and produce the said Mr Thomas Lamb befoir ws in the said justice court to the effect foirsaid he being in thair pressoune and wairdhous And haveing causeit chairge ane inqueist to pas vpon his assyse and accordinglie conveineit in judgement and fenseit and held ane court for doeing justice in the said mater as being onlie proper judges thairto being a slauchter committit neir the heich court of parliament And haveing callit the said Mr Thomas Lamb delinquent to appeir and the saidis proveist and baillies to exhibit and produce him befoir ws as they wer chairgeit and requyreit thairto And they haveing failyeit thairin Compeireit personallie Sir John Hamiltoune of Prestoune and Mr William Hoge advocat quha produceit ane pouer subscryvit be the said Mr Thomas for tham to appeir for him and in his name befoir ws beareing his willingnes and reddines to enter on pannell conform to the chairge gevin to him for that effect But in respect he was incarcerat within the tolbuith of Edinburgh and deteineit thairin be quhat warrand we know not he could not appeir personallie So that it appeirs the saidis proveist and baillies of Edinburgh hes neglectit and contemnit the chairge gevin to tham in maner foirsaid quhairby justice is frustrat his Maiesties auctoritie wrongeit and I as Heich Constabill of Scotland prejudgeit and wrongeit in my office right and priveledge in judgeing of the said fact · Heirfor we humblie beseik your lordschips to

have consideratioune of the premisses and to give expres ordour and warrand be thir presentis to a messenger of armes or meassir to command and chairge the saidis proveist and baillies of Edinburgh To exhibit and produce the said Mr Thomas Lamb delinquent befoir ws and our deputtis ane or ma coninnctlie or severallie in the justice court to be haldin be ws as Constabill foirsaid or be our deputtis ane or mae vpon the fiyft day of August instant in the houre of caus and at all vthir dyettis to be appoyntit and affixit be ws in the said mater or in ony vthir of that kynd as the samyn sall happen to fall out And your lordschips ansuer·

XXIV.

COPPIE OF THE DECREIT VPON THE BAK OF THE SAID BILL V AUGUST MDCXLI ·

The estaits of parliament eftir reiding of this supplicatioune togither with some remonstrances heirwith produceit be the Errle of Erroll Ordaines the proveist and baillies of Edinburgh to exhibit the withinwrittein delinquent befoir the Constabill or his deputtis ane or mae / to the effect within mentionat / But prejudice allwayis of the Errle of Erroll or toune of Edinburgh thair rights or privileges *prout de jure:* And ordaines the clerk to delyver to ayther pairtie the dowble of this supplicatioune / with this delyverance thairof / together with the dowble of the remonstrance heirwith exhibit be the Erle of Erroll / subscryvit vnder his hand·

Sic subscribitur·

Burglie J · P · D · parl·

XXV.

REMONSTRANCE THE LORD CONSTABLE TO THE ESTATES OF PARLIAMENT. V AUGUST MDCXLI.

The humbill remonstrance of the Erle of Erroll Heiche Constabill of Scotland vnto the supreme court of parliament now convenit

It is in all humilitie represented vnto the estaits of parliament That if thair wer any necessitie for the Lord Constabill at this tym to disput his

richtis and privieledges dew to that office Or if any member of the parliament did doubt or wer not acquainted with the saidis privieledges: It wold be maid cleirlie to appeir That the Lord Constabill is onlie suprem judge in all materis of ryott disorder blood and slauchter comittit within four mylles of the Kingis royall persoun parliament or counsall representing the auctoritie royall in his Maiesties absence / And the proveist and baillies of that burghe and all vther judges quhair the saidis factis ar committit ar obleist to ryse and concur and mak thair tolbuthes patent for ressaueing of malefactouris / And particularlie this micht be maid appeir by bandis maid be the toun of Edinburgh to the Lord Constabill concerning that purpose Lykas the Constabill hes diuerse decreitis againes the toun of Edinburgh *in foro contradictorio* dischargeing thame from censuring of any materis of slauchter blood or ryot within four myllis to his Maiesties persone parliament or counsall·

Item the Lord Constabill hes the chairge trust and keiping and guarding of the Kingis royall persoun and of the parliament hous quhair the estaitis and peeris of the land are conveined in tym of parliament with manie vthir privieledges dew to that place·

But seing thair is no necessitie to disput any richt or privieledge dew to that office at this tyme / the samyn being notour to the estaits of parliament / The Constabill absteines and desyres not to be drawen to vnnecessarie disput heiranent · But in all humilitie representis to the parliament That seing the Lord Constabill is ane of the pryme officeris of the croune the mainteining and vindicatting of his power and privieledges dois verie neirlie concerne the honour of the nationn and the estaitis of this kingdome / as being a place of suche trust and eminencie / quhairin the Constabill being a servant to his Maiestie and the parliament They ar obleist to protect and mainteine the privieledges of that service · And seing the toun of Edinburgh confessis in thair awin bill That they have nor pretend no intres in the mater now contravertit concerning Mr Thomas Lamb / in respect it is grantit be the toun of Edinburgh in thair awine bill that the fact was committit without thair boundis and liberties It is humblie desyrit that the Lord Constabill may have warrand To proceed to the tryell and punisching of that slauchter comittit be the said Mr Thomas / as the onlie competent judge thairto / Seing it is vncontravertabill that the power of all magistratis ather of royaltie or regalitie in criminall causes sleipes and seids to the Lord Constabillis jurisdictionn in tym of parliament And

it wer a great derogatioun to the honour of the Kings Maiestie and parliament iff any inferiour judge sould have the power of cognosceing and jurisdictioun in materis criminall quhair his Maiesties persoun parliament or suprem counsall sittis Becaus these suprem judicatories representis his Maiesties awin persoun and the bodie of the kingdome over quhom no inferiour judge sould have power of jurisdictioun Nather sould the toun of Edinburgh be admittit to appeir or have ather any declaratioun or protestatioun in their favouris Seing in the particular now contravertit they confes they have no entres as said is / in respect the toun of Edinburgh grantis that the slaughter was committit vpon boundis which is without thair jurisdiction and liberties ·

XXVI.

DECLARATION BY JOHN EARL OF CRAWFURD LINDSAY HERITABLE BAILLIE OF THE REGALITY OF SAINT ANDREWS. IV FEBRUARY MDCXLVI.

4 Feb. 1646. Erle of Crawfurds declaration.

I Johnne Erle of Crawford Lindsay heretabill baillie of the regalitie of Sanct Androis be thir presentis declairis that what of lait hath beine done be my deputs in executing of ane woman callit Katherene Fletcher induellar in Sanct Androis for the murthering of hir awin chyld immediatlie efter the birth And whilk fact was comitted be her within the said citie dureing the tyme of the sitting of the parliament thairin Shall nawayis be prejudiciall or derogatorie to the Erle of Errollis right as Heigh Constable of Scotland Nather shall the executing of the said woman strenthen nor corroborat my right of heretabill bailliarie of the said regalitie of Sanct Androis in prejudice of the said Erle of Errollis right or possessioun as Heigh Constable of Scotland Nather shall this declaratioun emitted and subscryvit be me be prejudiciall to my right of heretabill bailliarie foirsaid as accords of the law Nather shall evir the executeing of the woman be objected or alleadged be me as any possession in prejudice of the said Erle of Errolls right And for the mair security heirof I am content that thir presentis be insert and recordit in the bookis of parliament etc ·

XXVII.

PETITION GILBERT ELEVENTH EARL OF ERROLL TO CERTAIN COMMISSIONERS APPOINTED BY THE COMMONWEALTH OF ENGLAND. MDCLIV.

To the right honorabill the Commissioners for taking aff and mitigatioun of ffynes

The petitioun of Gilbert Erle of Erroll

Humblie scheweth

That quhairas by the ordinance of pardone and grace to the people in Scotland thair is imposed vpon your petitioner ane fyne of twa thowsand pund sterling quhich he humblie conceaves to have bene done vpon some mistakis anent his deportment and estate Thairfoir the petitioner dooth make aplicatioun to your lordschips who ar authorized to rectifie such mistakis, and for cleiring thairof to offer to your serious considderatioun these particulars·

1 · The petitioner having lived hithirtill without any suspitioun of popery he thinkis he needs not cleir himself thairof as being notourlie knawin to all that he is no papist Bot that he hath constantly professed and firmelie adheard to the trew protestant religioun from his childhead ·

2 · The petitioner wes nethir at Prestoun, Dunbar, nor Worcester, And did not invade Ingland in the yeirs 1648, 1650, nor 1651, nor wes he a promover or active in carying on of any warr against England the saids yeirs or any of thame being all that tyme through minoritie and nonage vnder the governement of tutouris and curatouris and for the most pairt at schooles·

3 · The petitioner not having attained to majoritie or the age of twentie ane zeirs till Junij 1652 wes not in a capacitie be the lawis of the natioun to sitt as a member of parliament or committie of estaits the foirsaidis yeirs or any of thame Bot the truth is that the petitioner being by his birthright and by successioun of many ages High Constable of Scotland / ane place of great eminencie and trust in this natioun / was severall tymes during the yeirs of his pupillarity and minoritie brought by his tutouris and curatouris from the schooles to be present at some parliaments and committies only for preserving his office and to site thair in The Constables chaire and to look

vpon the guarding and ordering of the hous of parliament as properly belonging to The Constables place Quhich he humblie conceaves can infer noe guilt vpon him as on that had vote in parliament or had accession to the carying on of any designes thairin And tho the parliament did at sometymes (in his minoritie) give him the name of a collonell or member of committies Yitt that cannot be a ground to infer any guilt or prejudice vpon the petitioner Becaus as he wes all that tyme still minor so he nevir owned nor actit in any charge in the armyis nather did he follow court nor armyis during the Kingis abode in Scotland, saiff that he came once to Stirling in Junij 1651 and stayed only some few dayes thair quhair your petitioner refuisit and demittit the charge of a regiment of horss quhairvnto the parliament had named him quhich wes lookd vpon with ane evill eye by all then in power quhairvpon your petitioner reteirit presentlie to his awin hous quhair he hath evir lived peaceablie since·

4 · Since the present authority wes establisched in this natioun, and since his majoritie The petitioner hes bene constant in his obedience and submissioun to the samyn fforalsmuch as quhen the Inglisch forces first entered the north of Scotland the petitioner wes on of the first of his qualitie who submittit thairto And that his submissioun and peaceable cariedge since hes had no small influance vpon many persounes of all degries in that pairt of the countrie / And in this late insurrectioun in the north pairtis though the petitioner wes in occasioun of temptatioun, and in some capacitie to have bene als active as vtheris who having bene laitlie in armes have come of vpon capitulatioun and ar exempted from thair fynes Yit he hes bene fixed in his resolutioun to live peaceablie and hath still eschewed all occasiounes of temptatiounes quhilk many of his aige and place micht have bene drawin and seduced vnto And that without the least intentioun of complyance with these persones who did ryse in armes / And so hath deserved by his good cariage to be takin in favourable considderatioun·

5 · As to the petitioners estate quhen the rentall of it and the specificatioun of the vast burthenes left vpon it by his father (who died in the yeir 1636 quhen your petitioner wes bot fyve yeirs of aige) sall be exhibeit to be considderit by your honors It will be evident how far his conditioun is mistaken / and how vnable the petitioner is to pay the fyne imposed on him or ony pairt thairof without vtter rwine to himselff and familie·

Inrespect quhairof it is humblie desyred that your honors wold be pleased to tak of and discharge the said fyne / in sua far as your

honors ar impoured / and as to the remainder if any be your honors wold be pleased to represent to his highnes your favourabill oppinione and sense to the effect the petitioner may be discharged of the samyne.

XXVIII.

CERTIFICATE BY THE CLERK OF PARLIAMENT. XII OCTOBER MDCLIV.

These ar to testifie to all quhom it concerneth and in particular to the honorabill commissioneris now conveined at Edinburgh That Gilbert Erle of Erroll his being present at the coronatioun in Scone neir the burgh of Pearth wes occasioned thus / The parliament being sitting at Pearth in the moneth of December 1650 a committie wes appoyntit by thame for considdering quho wer necessarie memberis to be present at the coronatioun Quhich committie did find amongst severall vtheris, that the presence of the Erle of Erroll being Heich Constable of Scotland wes most necessarie. This being reportit in parliament they did give ordour for wryting letteris to the afoirsaid Erle for that effect Which wes accordinglie done in a verie stout way In obedience quhairof the said Erle did repair to the coronatioun. I vnder subscryver being thair present serving as clerk In testimony of the premissis have subscryvit this At Edinburgh the tuelfth of October 1654.

[The part which the High Constable bore on this occasion may be seen from the following passages of a tract entitled "The Form and Order of the CORONATION of CHARLES The Second, King of *SCOTLAND*, *England*, *France*, and *Ireland*, As it was acted and done at SCHOONE, The first day of *January*, 1651. By Mr. ROBERT DOWGLAS, *&c.* ABERDEEN, Imprinted by *James Brown*, 1651."

"First, the Kings Majesty, in a Princes Robe, was conducted from his Bed chamber, by the Constable on his right hand, and the Marishall on his left hand, to the Chamber of Presence, and there, was placed in a Chair, under a Cloath of State, by the Lord *Angus*, Chamberlaine, appointed by

the King for that Day, and there, after a little Repose, the Noblemen, with the Commissioners of Barrons, and Burrows, entered the Hall, and presented themselves before his Majesty.....Thereafter, the Commissioners of Burrows, and of Barrons, and the Noblemen accompanied his Majesty to the Kirk of *Schoone*.....the King having the great Constable on his right hand, and the great Marishall on his left hand.....Sermon being ended.....and after the King had solemnly sworn The National Covenant, the League and Covenant, and the Kings Oath.....thereafter the King ascended the Stage, and sitteth down in the Chair of State. Then the Lords, Great Constable, and Marishall, went to the four Corners of the Stage, with the Lyon going before them who spoke to the People, these words *Sirs, I do present unto you the King* CHARLES *etc*.....Thereafter the Kings Body, supported by the Constable, and Marishall, cometh down from the Stage, and sitteth doun in the Chair where he heard the Sermon."....The Coronation Oath having been administered, and the King having been divested of the Princely Robes, and invested with his Royal Robes, " thereafter, the King being brought to the Chair on the North side of the Kirk, supported as formerly, the Sword was brought by Sir *William Cockburn* of *Langtown*, Gentleman Usher, from the Table, and delivered to Lyon King of Armes; Who giveth it to the Lord Great Constable, who putteth the same in the Kings hand, saying, *Sir, Receive this Kingly Sword, for the Defence of the Faith of CHRIST, and protection of His Kirk, and of the True Religion, as it is presently professed within this Kingdom, and according to the Nationall Covenant, and League and Covenant, and for executing Equity, and Justice, and for punishment of all iniquity and injustice.* This done the Great Constable receiveth the Sword from the King, and girdeth the same about his side." The Crown having been placed on the King's head, and the nobles and the people have sworn fealty, " then did the Lord Chamberlain loose the Sword wherewith the King was girded; And drew it, and deliver it drawn into the Kings hands; And the King put it in the hands of the Great Constable, to carry it naked before him." Having been installed in the throne, " the King supported by the Great Constable and Marischal and accompanied with the Chancellour, arose from the Throne, and went out, at a door prepared for that purpose, to a Stage; and shewed himself to the People without, who claped with their hands, and cryed with a loud voice, a long time, *God Save the King.*"]

XXIX.

THE REPORT OF THE LORDS OF THE COMMITTEE FOR HIS MAJESTY'S CORONATION AS TO THE PRECEDENCY OF THE LORD HIGH CONSTABLE OF SCOTLAND. XIX OCTOBER MDCCXIV.

At the court at St James's the nineteeeth day of October 1714, present The Kings most Excellent Majesty in councill :

In pursuance of His Majesties order in councill of the fourteenth instant referring to the lords of the committee for His Majesties coronation the severall claims and pretentions of the Earl of Erroll, Lord High Constable of Scotland ; of the Earl Marshall of Scotland ; of the Dukes of Argyle and Douglass ; of Sir Alexander Areskine, Lord Lyon King at Arms ; and Sir Alexander Cockburn of Langton, usher ; to attend at the ceremony of His Majesties royall coronation, in respect of their heretable offices in that part of Great Brittain called Scotland, their lordships have agreed to offer it as their humble oppinion to His Majestie : That the Constable of Scotland do in the procession at His Majesties coronation walk on the right hand of the High Constable of England, and the Earl Marshall on the left hand of the Earl Marshall of England ; The High Constable and Earl Marshall of England being nearest the Sword of State.

XXX.

ORDER BY THE KING IN COUNCIL ALLOWING MARY COUNTESS OF ERROLL HIGH CONSTABLE OF SCOTLAND TO NAME A DEPUTY TO ATTEND AT HIS MAJESTY'S CORONATION. XX SEPTEMBER MDCCXXVII.

At the court of Kensington the twentieth day of September 1727. Present The Kings most Excellent Majesty in councill :

The right honourable the lords of the committee appointed to consider of their Majestys coronation, having in their report, which was this day laid before His Majesty at this board, represented that the Countess

of Erroll (who claims an hereditary right to the office of High Constable of Scotland) hath humbly prayed that the Marquiss of Beaumont might be allowed to walk as her Deputy in the procession at His Majestys coronation, and to take the same place as was allowed at the last coronation on the right hand of the High Constable of England, the said High Constable of England being nearest to the Sword of State: His Majesty in council taking the same into consideration is hereby pleased to allow of the said claim in the same manner as at the last coronation; but in regard the Marquis of Beaumont is under age, His Majesty is pleased to order that the said Countess of Erroll do nominate to His Majesty at this board some other Deputy proper for His Majestys approbation.

ROBERT HALES.

XXXI.

ORDER BY THE KING IN COUNCIL APPROVING OF JOHN DUKE OF ROXBURGH AS THE DEPUTY OF MARY COUNTESS OF ERROLL, HIGH CONSTABLE OF SCOTLAND. II OCTOBER MDCCXXVII.

At the court at St James's the second day of October 1727.
Present The Kings most Excellent Majesty in councill:

Whereas His Majesty was pleased by his order in council of the twentieth of last month to allow of the claim of the Countess of Erroll as Hereditary High Constable of Scotland to walk at the coronation of their Majesties, and to order that she should nominate to His Majesty some proper person to be her Deputy; and whereas the said Countess of Erroll did this day nominate his grace John Duke of Roxburgh to His Majesty to walk in her stead: His Majesty in council is pleased to approve of the said nomination, and accordingly hereby to appoint the said Duke of Roxburgh to walk as the said Countess of Errolls Deputy at the coronation, and to take the same place as was allowed at the last coronation on the right hand of the High Constable of England; the said High Constable of England being nearest to the Sword of State: And the right honorable the Earl of Sussex, Deputy Earl Marishall of England, is to take notice hereof, and to cause the necessary orders to be issued for that purpose.

TEMPLE STANYAN.

XXXII.

ORDER BY THE DEPUTY EARL MARSHAL OF ENGLAND TO THE MASTER OF THE JEWELL HOUSE TO PROVIDE A SILVER TRUNCHEON FOR THE DEPUTY OF THE HIGH CONSTABLE OF SCOTLAND. XXX SEPTEMBER MDCCXXVII.

Whereas Mary Countess of Erroll is allowed by the King in councill to have the right of the office of High Constable of Scotland vested in her; and she haveing nominated with the Kings approbation his grace John Duke of Roxburgh to officiate for her at the ensuing coronation: These are to signify the same, and that you cause to be provided and made a Truncheon or Staff of Silver, guilt at each end, of twelve ounces weight, of the same fashion and goodness as was made at the last coronation for the High Constable of England, with his Majesties arms at one end, and the arms of the Countess of Erroll at the other, both engraved; and deliver the same to the above named John Duke of Roxburgh, to be used at their Majesties coronation. Given under my hand and seall this thirtieth day of September 1727 in the first year of his Majestys reign.

SUSSEX M.

To the Honble James Brudnell Esqr
Master of his Majestie's Jewell
House and the other officers there.

XXXIII.

CONSTABULARIJ REGIS ET REGNI SCOCIE.

Rege Alexandro. Regis Davidis I. anno regni xix.

EDUARDUS · Constabularius ·

Regis Davidis I. anno regni xix. Regis Malcolmi IV. anno regni v.

HUGO DE MOREUILLA · Obijt MCLXII ·

Regis Malcolmi IV. anno regni xi. Annis Domini m.c.lxxiiij et m.c.lxxxiij.

RICARDUS DE MOREUILLA · Constabularius Scotie · filius Hugonis de Moreuilla · Obijt MCLXXXVIII ·

Rege Willielmo.

WILLIELMUS DE MOREUIL · Constabularius Regis · et Constabularius Scotie · dominus de Lauderdale filius Richardi de Moreuilla · Obijt sine prole MCXCVI ·

ROULANDUS COMES GALLOUIDIE · jure uxoris Hellene filie Richardi de Moreuil · Obijt MCC ·

Rege Willielmo. Regis Alexandri II. anno regni xix. Ante annum Domini m.cc.xxxj.

ALANUS COMES GALLOUIDIE · filius ejus · Constabularius Regis Scotorum · Obijt MCCXXXIIII ·

ALEXANDER DE SETHUN · regni Constabularius ·

Regis Alexandri II. anno regni xxi. Annis Domini m.cc.xxxv et m.cc.xxxxvi. Et Rege Alexandro III.

ROGERUS DE QUINCI COMES WINTONIE · Constabularius Scotie · jure uxoris Helene filie Alani Comitis Gallovidie Constabularij · Obijt MCCLXIIII ·

Rege Alexandro III. Anno Domini m.cc.lxx.

ALEXANDER CUMIN COMES DE BUCHAN · jure sponse [Elisabethe] filie dicti Rogeri Constabularij ·

WILLIELMUS FILIUS COMITISSE DE FERRIERS · filie Rogeri de Quinci Comitis Constabularij · fit Constabularius ·

Anno Domini m.cc.lxxxj. Annis Domini m.cc.lxxxij. et m.cc.lxxxiij.

ALEXANDER CUMIN COMES DE BUCHAN ·

JOHANNES CUMIN COMES DE BUCHAN · Constabularius Scotie · — Regis Johannis Balliol anno regni ii. Annis Domini m.cc.lxxxvi. et m.cc.lxxxxvij.

ROGERUS QUINCI COMES WINTONIE · Constabularius Scotie ·

SEYERUS DE QUINCI COMES WINTONIE · Constabularius · forisfactus · — Regis Roberti I. anno regni vii.

DAUID COMES DE ATHOL · Constabularius Scotie ·

GILBERTUS DE HAYA · Constabularius Scotie · et Constabularius noster · — Regis Roberti I. annis regni xij. et xv. et xvij. et xiix. et xix. et xx. Annis Domini m.ccc.xiiij. et m.ccc.xiix. et m.ccc.xx. et m.ccc.xxiiij.

XXXIV.

MARISCALLI.

EUGENIUS · Mariscallus · — Rege Davide I.

MALISIUS · Mariscallus ·

RANULPHUS · Mariscallus · — Rege Malcolmo IV.

HERBERTUS · Mariscallus meus · et Mariscallus noster · — Regis Willielmi anno regni vi.

SIMON · Mariscallus ·

SAMUEL GILLECOLM · Mariscallus ·

PHILIPPUS · Mariscallus ·

DAUID · Mariscallus meus · et Mariscallus Regis ·

PHILIPPUS · et DAUID · Mariscalli Regis · fratres ·

Regis Alexandri II. annis regni xvii. et xiix. et xxij. et xxvj.

RICHARDUS · Mariscallus · filius David ·

DAVID · Mariscallus · et ibidem ·

HERVEUS DE KEITH · Mariscallus · Herveus est filius Philippi Mariscalli ·

JOHANNES DE KEITH · filius Hervei ·

Rege Alexandro III. Anno Domini m.cc.l.

ROBERTUS · Mariscallus ·

Regis Johannis anno regni ii.

ROBERTUS DE KEITH · Mariscallus noster ·

Regis Roberti I. annis regni vij. et xv. et xvij et xiij. et ix. Annis Domini m.ccc.xiiij. et m.ccc.xiij. et m.ccc.xxj.

ROBERTUS DE KEITH · hereditarius Mariscallus ·

Anno Domini m.ccc.viiij.

ROBERTUS DE KEITH · Mariscallus Scotie · et Justitiarius ab aqua de Forth usque ad Montes Scotie ·

II. Bands of Manrent Friendship and Alliance.

I.

INDENTURE BETWEEN THE EARL OF ERROLL AND THE LORD GORDON. XXVI JANUARY MCCCCLXVI.

Ane band maid betuix the Erll of Erroll and the Lord Gordoun ilk ane to do for vther aganis quhatsumewir man the authorate only except. 1466.

This endentur made at Abirden the xxvj day of the moneth of Januar the yer of Gode a thowsande four hundreth sexti and v yeris proportis ande beris witnas in it selff in maner and fovrme as eftir folowis / That is to say It is accordit and appvnttyt betwix honorabill and mychti lordis Nycholl Erl of Erol Lorde the Haye and Constabill of Scotlande on that ta part ande George Lorde Gordon and Master of Huntle on that tother part That the said George Lorde Gordon bindis and oblissis hym to the saide Nychol Erl his brother in law that he sall be for hym and with hym his kynne and freindis ande ther querallis in consael help supplee mantenans ande defens / alsfer as gude consciens and resovn vill / in the strattast fovrme of bande of kyndnas aganis and befor all lywande man excep his allegeans to our Souerane Lorde the Kyng alanerly / Ande giff ony contrauersyis happynis betwix the saide lordis thar kynne or freindis thai sall be decidit and decernit be thre of thair weil set consaell on athir syde deput and chosine therto quhow oft it sal happyn to fall / the lordis remanande in tendernas neuer the less eftir the tenour of thair bande / Ande for the mar sickernas athir of the saide lordis has giffine other the faithis of thair body the haly ewangell twychit the gret aith gangande betwen / Thir letteris tyll endur for all the dayis of thair lyffe / And gif thar happynis to be sen speidfull to ony of the saide lordis or thar consaell to eik or repar or refovrme thir saide endenturis thai sal be redy thairto withoutyn ony stop to put thame in the best fovrme without fraude or gyll for worschip and profit to baith the lordis / In witnas herof we haff set to our seellis to thir present endenturis enterchangabilly And I the saide George Lord Gordon has made my seell be affixit to the parte remanande with the saide Lorde Nichol Erl of Erol and subscriwit with my awin hande at day yer and place befor writtyne

George Lord Gordon

II.

BAND OF MANRENT OF ALEXANDER MACKINTOCHE THANE OF RATHAMURCUS. XVII JUNE MCCCCLXXII.

Be it maide kende to al men by thir present lettirs me Alexander Mackintoche Thane of Rathamurcus to be ridin man to my Lorde William Erll of Eroll Lord the Hay and Constable of Scotland for all dayis of my lyffe / And that I sall gyve my saide lorde leile and trew consale eftir my knavlage quhen he askis me it / I sall heyll his counsale quhen hee schawys me it / I sall neythir heir his skayth nor se it but I sall dyscouir it to my saide lorde and let it at my powar And I salbe with my saide lorde in weir and in peace for all the dayis of my lywe in contrar and aganis all leuande man excep myn allegens to my Soueran Lorde and my manrent to my Lorde of Huntly / with all vthir poyntis of manrent bot fraude or gyll / In witnes herof I haue maide be affixit my seill to thir my letteris till endur for all the dayis of my lyffe / At Perthe the xvij day of June the yer of God a thowsand four hundreth sevynty and tway yeris ·

III.

BAND OF MANRENT OF THE COADJUTOR OF ST. ANDREWS. XXXI OCTOBER MCCCCLXXVII.

Maister William Cheiues coadiutor of Sanctandross his band of manrentt to William Erll of Erroll.

31 Oct. 1477.

Be it kend til al men be thir present letteris ws Maister Williame Scheues coadiutor of Sanctandrouse to be bundin and oblist / and be thir present letteris and the faith in oure body lelely and treuly bindis and oblisis ws / til ane richt noble and mychty lord William Errle of Erole Lord the Hay and Constable of Scotland in oure lele treu lawte afald kindnes help supple and furthering to be done to the said Erle be ws oure freindis men and seruandis with al that we may purchess / And we sal rid gang and laboure with him his freindis men and seruandis quhen we salbe requerit thairto And we sal tak ane afald pairt in al his leifful and honest actionis causis and querellis movit and to be movit quhatsumeuer agane thame

sal tak pairt in the contrar / oure allegiance til our Soverane Lord the King alway to be except and outane / And we sal gif him the best counsale we can quhen he ony askis at ws And concele the counsal that he schewes to ws And reuele it to na person with oute his awin avise And we sal nother heir nor se schaith nor apperand perell to him bot we sal warne him thairof in all possible haist and resist agane the samyn at oure guidly power / To the quhilk al and sindri thingis aboue writin to be lelely and treuly obseruit and kepit for al the dais of oure lyffe we bynd and obliss ws in the maist sicare forme and stile of obligacion but fraude or gile / because of his letteris maid to ws in siklik forme agane / In witnes of the quhilk thing to thir our present letteris subscriuit with our hand we haue affixt oure sele at Edinburgh the last day of October the yher of God a thousand four hundreth sevinty and sevn yheris

William Scheues coadiutour
of Sanctandross

IV.

BAND OF MANRENT OF ALEXANDER IRVYN OF LUNMEY HEIR APPARENT OF THE DRUM. XVII APRIL MCCCCLXXXIII.

Be it kend till all men be thir present letteris me Alexander Irvin of Lunmey sonn and apperand ayr to Alexander Irvin of The Drum to be cumin trew man and seruand / And be the tenor of thir present lettres becummyss trew man and seruand be the faith in my bode / to ane nobile and michty lord Williame Erle of Erole Lord the Hay and Constabile of Scotland in leile and trew manrent and seruice in pess and in wer with my persoun and gudis in contrare and aganis all dedly or at de may / myne allegiance to our Souerane Lord the King alanarly outane / And at I sall nothir heir wit see nor knaw skaith hourt damagis dysswirschip or appeyrrand perral to his persoune gudis freindis or heritagis [bot] I sall warne him tharof and lat it at my gudly powar / And gif he askyss at me ony consall I sall gif him the best I can / And gyf ony consall he schawis me I sall conseill and kep it secret / but fraud or gile with all wthir poyntis contenyt in the aithe of manrent / And this manrent to endur for all the termyss of sevin yeris next folowand the date of thir present lettres all fraude and

gile secludit and away put / the said sevin yeris of manrent beand run complet and endit I obliss me as said is now as than and than as now to my said Lord Erle to stand fourth in manrent lavte and seruice as at the makking of this present writ my fee beand considerit and modefeit be thir personys vnderwritin That is for to say / Master Gilbert the Hay of Wry / Master Dauide the Hay / Master Johnn the Hay prebendar of Croudan / Alexander Frassir of Dourris / Robart Blynsall alderman of Aberden / and Alexander Irvin of Belte or siclik personys / In witnes of the quhilk thingis to thir present lettres I haue affixt my seile at the Castale of Slanes the xvij day of Aprile the yer of God ane thousand four hundreth auchte and thre yeris / And for the mar sickyrness I haue subscriuit thir present lettres with my avne hande day and plass aboun writin *etc.*

ALEXR IRVYN of Lvnmey
manu propria

V.

BAND OF MANRENT OF JOHN OF KETH OF LUDQUARNE. XXIV NOVEMBER MCCCCLXXXIV.

Be it kend till ale men be thir present lettres me Jhone of Ketht of Ludquarne to be bundyne and stratlie oblist / and be the fatht of my bodie lelie and treuly bindis and oblissis me in leill trew and ayfald manrent and seruice / till ane richt noble and michtie lord William Erle of Eroll Lord Hay and Constable of Scotland / for all the dais of my lywe / myn allegeance tile our Souerane Lord and my seruice aucht of law to my forfeftouris alanarly excepit / And that I salbe with my said lord in pece and weyr And gif him the best consall that I can gif he at me ony askis And conseill his consall gif he to me ony schawis Nother beir nor se his skatht bot I sall warne him tharof and lat the samyn at my pouer / with al pvntis contenit in band of manrent / indurand all the dais of my lywe / eftir the tenour of my said lordis band maid to me tharupon vnder his sell / In witnessing of the quhilkis in defalt of a sell of myn avne I haf procurit with instance the sell of my brother in the law Alexander Iruyn of Lunmey to be affixit to thir lettrys At Abirden the xxix day of Nouember the yer of God a thousand four hundretht fourscore and four yeris Befor thir witnes Master Jhon

Hay persone of Croudane / Andro Ketht of Coklaw / Alexander Tulidef of That Ilke / and Schire Jhone Striueling publict notar / with vthir sundry / And subscriuit with my hand

Jon of Ket of
Lvdquran

VI.

LITERA HOMAGIJ WILIELMI KETH DE YTHANE. XXIV NOVEMBER MCCCCLXXXIV.

Be it kend till ale men be thir present lettres me Williame Ketht of Ythe to be bundin and oblist / ande be the tenor of thir present lettres fathtfully bindis ande oblissis me in trew manrent and seruice / for al the tyme and termes of thre yeris next eftir foloing and togidder the date of the present lettres / til ane richt nobile and michtie lord Wilyeame Erle of Erol Lord Hay and Constable of Scotland / na man ovtane bot myn allegeance till our Souerane Lord my seruice aucht of law to my forfeftouris and manrent to my Lord of Huntlie / I salbe with the said Lord Wilyeame in pece and weir Gif him the best consall I cane gif he at me ony askis And conseile his consall gif he to me ony schawis Nothir her nor se his skatht bot I sal warne him thairof and latt the samyn at my pouer / with all vthir puntis contenit in band of manrent / In witnessing of the quhilkis becauss I had na seill present of myn avne I haue procurit with instans the seill of a noble man and my dearast eme Andro Ketht of Coklaw to be affixit to thir lettres At Abirdene the xxix day of Nouember the yer of God a thousand four hundretht fourscore and four yeris Befor honorabill men Alexander Iruyn of Lunmey / Master Jhon Hay person of Crovdane / Jhone Ketht of Ludquarne / and Alexander Tulidef of That Ilk / with vthir sundry / togidder with subscripcion of myn avne hand

Wylyam Ket of Hythene

VII.

THE MANRENT OF THE CONSTABIL OF ABIRDENE. XXVII APRIL MCCCCLXXXVII.

Be it kend til al men be thir present lettres me Wilyeame Kynidy Constabil of Abirdene grantis me to becumin oblist . . . . . ane noble and mychti lord Wilyeame Erle of Errole Lord Hay and Constable of Scotland . . . . . for ale the dais of my lif / And be the tenour of this present writ bindis and oblissis me to be leile trew and . . . . . to my said lord for ale the dais of my lif as said is And nothir to beir his skaith nor se his skaith . . . . . power / And to gif his lordschip my gud consale quhen he askis it of me . . . . . his consale quhen I heir to conseile and to stand with my said lord in defence of his persoune actiounis . . . . . and querelis aganis al dedlie saifand my allegiance to my Souerane Lord the King / In witnes of the quhilkis thingis I haue affixt my seile to this present writ at Vry the xxvij dai of Aprile the yher of God a thousand four hundrethe auchti and sevin yeris

VIII.

ANE BAND OF MANRENT OF FEDDERATTIS TO EROLL. X MAY MCCCCLXXXVII.

Be it maid kende tyll all men be thir present lettris me Vilyeam of Craufurd lard of Fedra to be becumin mane and sarvand to ane nobill and mychti lord Vilyeam Erll of Eroll Lord Hay and Constabile of Scotland / for all the dais of my lyf / And I sall be leill and treu to my saide lord in manrent and sarwice in pece and in weir in red and in consall with my person and gudis / And sall tak leill treu and aufald part with hym in all and sundry thingis . . . . . actionis caussis and querallis movit and to be movit / in the contrar of all otheris that lyf or de ma / without dissimulatioun / myn allegians allwayis out tane to our Souerane Lord the

Kyng / And I sall nothir heir se vit nor knaw skaith dampnagis or apperand perell to his persone heritagis or gudis bot I sall lat it all my gudly power and warne hym thairof in all the gudly hast I cane And I sall gyf hym the best consall I cane gyf he ony askis me And sall heill hys consall and keip it secret gyf he ony schawis me / And to the sur observing keiping and fulfylling of all and sundry thingis abufe writyn I bind and I obliss me leillely and trewly be the faith in my body but fraud or gyll / In witness of the quhylk thing to thir my present wryt I haf set to my seill At Fedra the tend day of May the yer of God j^{m} iiij^{c} lxxxvij yeris

IX.

LETTIR OF MANRENT OF MASTER WYLYAM SCOT. XIII DECEMBER MCCCCLXXXVIII.

Be it kend tyll all men be thir present lettres me Mastir Wylyeam Scot of Flawcrag to be becumin man and sarwand tyll ane nobyll and mychty lord Wylyame Erll off Eroll Lord Hay and Constabyll of Scotland for all the dais of my lyfe / And I sall be leill and trew to my said lord . . . . . In witness of the quhilk thing to thir present lettres I haf affyxt my seill At Eroll the xviij day of Decembar the yer of God j^{m} iiij^{c} lxxxviij yeris Befor thir wytness Wylyam Hay of Wry / Peter Hay / Patrick Hay / and Androw Strathaquhin / with wtheris diuerss *etc.*

X.

THE LARD OF PHYLORTHYS LETTER OF MANRENT. XV JANUARY MCCCCLXXXIX.

Be it kende till all men be thir present lettris me Alexander Frasser sone ande ayr to Alexander Frasser vmquhill larde of Fillortht to be bundyn and oblyst / and be thir my present lettris lelely and treuly be the fayth in

my body byndis and oblyssis me in the stratist styill and furm of obligacione / to be leyll and trew man till ane nobill and mychty lorde Wilyame Erlle of Errole Lord Hay and Constabill of Scotlande And to mak hym leyll and trew seruyce in peyss and in weyr agayn all thai that leyffis or de may / our Soueran Lorde the Kinge alanerly except / And to gyff hym the best consell that I can gyff he ony askis at me And til kep his consell secret quhen I am chargyt thairto Ande to mak hym leyll and trew seruyce in all actionis caussis and quarell at all tymes and alss offt as I salbe raqueryt thairto Ande till defende his lordschip wyth my persone men kyn and frendis in all matris he has ado and as a man sulde do til his lorde in al thingis as wsse and consuetude is wythin the realme of Scotlande / And thir my lettris of manrent lelely and treuly til endure and to be kepyt for al the termes of thre yeris next and immediate eftir folowande the datte of this wryt / Ande fra the saide yeris be runyn / my saide lorde gyffande me fee as efferis be awyss and sycht of frendis / I oblyssis me to be man till hym fra that furth bot gyff the fawt be in hym selff all fraude gyill cavillacion and frewoll excepcionis beyinge excludyt and by put · In witnes of the quhilk thinge becauss I hade na seyll presentt of myn awne I haff procuryt wyth instans the seyll of ane honorabill man Wilyam Chayn off Ca . . . . to be affixt to thir my present lettris obligatour At the Chanoury of Ross / with the manuell subscripcion of myn awn hande / the xv day of Januar the yer of Gode ane thousande four hundreth auchty and ancht yeris Befor thir witnes Alexander Irwyne of Lunmeyth / Wilyam Rede of Colliston / Johne Panton of Petmeithand / Jorge Frasser / ande Wilyame off Laysk / wyth dywers vthirs

ALEX^R FRASER *manu propria*

XI.

LITERA HOMAGIJ DOMINI DE TOLLOQUHONE. XII JUNE MCCCCLXXXIX.

Be it maid kende tyll all men be thyr present letteris me Malcom Forbes of Tolloquhone to be bwndyne and oblyst to ane nobyll and mychty lord Wilyame Erll of Eroll Lord the Hay and Constaple of

Scotland To be man and seruande to my said lord for all the termis and tym of fyfe yeris next and immediate followyng the date of thir present letteris / And to ryd and gang with my said lord in contrar and aganis all tham that leffis or de ma / saffand myne allegens alanerly tyll our Souerane Lord the Kyng / And to gyf lele and trew consell to my lord gyf ony he me haskis And tyll heile hys consell gyf he ony me schawys And to diffend all accionis or querralis for my said lord alss weile behynd his bak as in his presens / wyth all other and syndry pointis alss weile wnnemmyt ass nemmyt that ony man dois for hys lord and wyth hym wythin the realme of Scotlande / And to the obseruing and kepyng of all thir forsaid pointis I bind and oblyss me be the fatht in my body wnder the stratast forme and stylle of obligacione / In wytness of the quhylkis I haf affixit my seile to this my present wryt At Ardendracht the xij day of June the yer of God a thowsande four hwndreth auchty and nyn yeris Befor thir wytness Wylyame the Hay of Ardendracht / Gylbert Hay son and apperande ayr to the said Wilyame / Dauid Forbes in Echise / And Schyr Andro Irlande vicare of Torreff *etc* ·

Malcom Fforbes
of Tolloquhone

XII.

VILYAM LESLY BRODER TO THE ERLL OF ROTHUSIS BAND OF MANRENT TO ERROLL. III JUNE MCCCCXC.

Be it kend tille alle menne be thir present lettris me Wilyeame of Leslie brothir germane to George Erlle of Rothess to be bundin and oblist / and be the tenour of this my writ and the fatht of my body / to be leill trew man and seruand to my Lord Wilyeame Erll of Erroll Lord Hay and Constable of Scotland And that I sall heill his consaill and gif hime the best consail I cane gif ony he askis and neuer her se nor wit his skaith / or perell till his persone or herytage / bot I sall warne him thairof and lat it at my power / with all othir poyntis contenyt in the band of manrent / except my allegiange till our Souerane Lord the King And this my lettre of manrent to indur for the termes of twa yeris / In witnessing herof becawss I had no seill present of my awyne I haf subscriwit this writ with my awne hand

At Slanys the third day of June the yeir of God j^{m} iiij^{c} and nyntie yeris Befor thir witnes Wilyeame the Hay lard of Ardendracht / Gilbert the Hay sone and apperand ayr to the said Wilyeame / George Abircromy / Maistir Dauid the Hay / and George of Leslie / with othirs dinerss

WILYAM LESLY brothir
german to the Erl off Rothes
manew propria

XIII.

THOMAS HAY SON TO THE LARD OF ARDENDRACHTIS BAND OF MANRENT. I NOVEMBER MCCCCXCVI.

Be it kendit till all men be thyr present lettris me Thomas Hay son to Wilyam Hay of Ardendracht to be becumin man and saruande / and be the tenor of thir present lettirs becumis man and trew saruande be the fatht in my body / to ane nobill and mychti man Wilyam Mastir of Erroll in leill and trew manrent and saruice in pess and in weyr with my person and gudis in contrar and aganis all dedly or at de may / my allegeance to our Souerane Lord the Kyng allanerly outane / And at I sall nother heyr se wyt nor knaw skath hurt dampnage disworschip or apperand perill to his person gudis frendis or heritage na I sall warne him thairof and lat it at my gudly power And gif he askis at me ony consell I sall gif him the best I can And gif ony consell he schawis me I sall conseill and keip it secret but fraud or gill / with all othir poyntis contenit in the aitht of manrent / And this manrent to indur for all the termys and dais of my lyff / In witness of the quhilk thing this present writ I haff subscriwit with my awyn hand At Slanes the first day of Nouember the yeir of God a thousand four hundred nyntie six yeris

THOMAS THE HAY
manu propria

XIV.

ANE BAND OF MANRENT MAID BE JHONE CHEYNE OF ESSILMOND TO VILYAM ERLL OF ERROLL. XI SEPTEMBER MCCCCXCIX.

The lettre betuix my lord and Jhon Cheyn of Essilmont · *etc* ·

Be it mayd kend till all men be thir present lettris me Jhon Cheyne of Essilmont till be bundyn and oblist / and to be becumyn man and seruand / to my Lord of Erroll for all the days of myn lyf / myne allegeans acceptit allanerly to our Souerane Lord the Kyng / And at I sall noder heyr nor wyt the scatht of my said lord bot I sall warne hym thairof and let it at my power And at I sall gyf hym the best consall at I can gif he ony askis And at I sall consell his consall gyf he ony schawis me And at I sal ryd and gang with my said lord in peax and in weyr alss redy and awfauld at my power as ony man seruing his lord within the reawlme with my kyn and men and frendis at will do for me / And to the leill obserning and keip heroff I bynd and obliss me be the fatht in my body and in the stratast form of manrent / In witness of the quhilk thing I haf subscriwyt this writ and lettir of manrent with my hand At the Chapell of Laske the xj day of Septembir the yer of God a thowsand fowr hundreth nyntie and nyne yeris Before thir witness Wilyam Hay of Ardendracht / Mastir Alexander Cabell person of Banchry / and Gylbert Hay / and under my seill

JOHN CHEYNE of Essilmont
manu propria

XV.

ANE MANRENT OF ALEXANDER BANERMANIS OF VATTERTOVN TO THE ERLL OF ERROLL. III JUNE MDIV.

Be it kend tyll all men be thir present lettris me Alexander Banerman of Wattertown to be becumin man and seruand And be the tenour of this writ becumis man and seruand to ane rycht nobill man Wylyam Master of Eroll for all the dayis of my lyf / And I sall ryd and gange with my said master at all tymes quhen I ame chargit . . .

. . . . . .

In wytness of the quhilk thing to thir my present lettris of manrent I haf affyxt my seill At Abbirden the thrid day of Junij the yeir of God ane

thousand fyf hundreith and four yeris / And for the mair securite I haf subscrywit this writ with my hand *etc*.

ALEX^R BANERMAN of Watartone
with my hand *etc*.

XVI.

ANE BAND OF MANRENT MADE BE FADDRAYT TO THE ERLL OF ERROLL. XXIII FEBRUARY MDVI.

Be it kend tyll all men be thir present lettris me Thomas Craufurd sone and aire apperand to Wylyam Craufurd of Fedray to be bundin man and sarwand / and be this writ bindis me in laute manrent and seruice / to ane rycht nobill man Wylyam Master of Eroll for all the dais of my lyf / And I sall ryd and gang with my said master in pece and in weir . . . . . In witness of the quhilk thing to thir my lettris of manrent I haf affyxt my seill togydder with the subscrypcioun of my hand At Slanis the xxiij day of Februar the yeir of God j^m v^c and fyf yeris Befor thir witness Mastir Dauid Hay / Walter Hay / and Androw Strathaquhin / with wtheris dyuerss *etc*.

THOMAS CRAFURD *etc*.

XVII.

HENRY CHEYNE OF ESSILMONDIS BAND OF MANRENT TO ERROL. II JUNE MDVI.

Be it kend tyll all men be thir present lettirs me Henry Cheyne of Essilmond to be becumin man and sarwand / and be the tenour of this writ becumis man and sarwand / to ane rycht nobill man Wylyam Hay Master of Erroll for all the dais and terms of my lyf . . . . . In witness heirof I haf affyxt my seill to this writ At Slanis the secund day of Junij the yeir of God j^m five hundreith and sax yeris Befor thir witnes Sir Gilbert Hay of Ardendraicht knycht / Patre Cheyne / and Androw Strathaquhin / with wtheris dyuerss

HENRY CHEYNE of Essilmont

XVIII.

ANE BAND OF MANRENT MAID BE HENRY CHENE OF ESSILMOND TO WILYEAM MASTER OF ERROL / FOR XIJ MERKIS MONY. V JUNE MDVI.

Be it kend tyll all men be thir present lettris me Henry Chene of Essilmond / that forsamekyll as my master Wylyeam Hay Master of Eroll is bundin to me in the paiment of the sowme of ten pundis yeirly eftir the deseiss of my lord his fader for all the dais of my lyf for my manrent and seruice bundin to my said master for the said termis / nochtwithstanding I grant that I haf dischargit / and be this my writ dischargis / my said master of the paiment of fourti schillingis of the said ten pundis yeirly for all the dais of my lyf / sua that I get gud thankfull paiment of tuelf merkis of the said ten pundis yeirly for all the dais of my lyif eftir the deseiss of my Lord of Eroll that now is leifand / In witness of the quhilk thing I haf subscrywit this writ with my hand At Essilmond the fyft day of Junij the yeir of God j^{m} fyf hundreith and sax yeiris Befor thir witness Schyr Gylbart Hay of Ardendraicht knycht / Henry Chene / Andro Strathaquhin / and Andro Makane / with wtheris dyuerss

HENRY CHEYNE of Esselmont

XIX.

ANE BAND OF MANRENT OF THE LARD OF LEITHENDEIS GEWIN TO THE ERLE OF ERROLL. X JULY MDVII.

Be it kend till al men be thir present lettres me Andro Hering of Glasclune sone and aperand air to James Herring of Lethiny to be bundin and oblist / and be the faytht and trewtht in my body byndis and oblissis me And becumis man and seruand / to ane nobill and michty lord William Erlle of Eroll Lord Hay and Constabill of Scotland And I sall ryd and gang with my said lord . . . . . In witnes of the quhilk thing to thir my present lettres of

obligatione I haue affixit my seille togidder with the subscriptione of my hande At Perth the x day of Julij the yer of God a thousand fif hundretht and sewin yeris Befor thir witness Thomas Hay of Logy / Edmvnd Hay of Melginch / and Master Johne Hay / with vtheris diuerss *etc*.

ANDRO HERING
of Glasclwne *etc*.

XX.

ANE BAND OF MANRENT OF GILBART HAYIS OF DELGATY / MAID TO THE ERLL OFF ERROLL. IV JANUARY MDVIII.

Be it kend til al men be thir present lettris me Schir Gilbart Hay of Ardendracht knicht to be bundyn and oblist / and be thir my present lettris and the fath in my body stratly bindis and oblisis me and becummys man / to a noble and mychty lord Williame Erlle of Eroll Lord Hay and Constable of Scotlande / and to his ayris / that I sal be lele trew and afauld til him and his ayris without ony dissimilatioune in al and syndri his actiones and thairis caussis and querellis movit or to be movit / And I sal gif to him and his airis the best counsale I can therintill And concele the counsale he or his airis schawis to me / I sal nothir wit knaw see nor vnderstaude his nor thair skath dede nor disherising nor yit bodely harme bot I sal stope and lett it at al my power and warne him aud thame thairof iu al the hast I can or may / I sal ride and gang with him and his airis in pece and in were als oft as I am requirit be him / and falyeing of him be his airis / apoun myne awne expenss And be for him and thame and with him and thame aganis al dedly / myne allegeauuce til our Souerane Lord the King alanerly outtane / Becauss my said Lord of Eroll has infeft me in certane of his landis of the barony of Slanys for al the dais of my life for my seruice / as at mare lyntht is contenit in the infeftment maid to me thairapoun eftir the forme of ane contract maid betuix my said lord and me thairapoun / And to the obseruyng keping and fulfilling hereof I bynd and obliss me to my said lord and his airis in the sickerast forme of obligatioune and be the fath and treuthe in my body but fraude or gile And thir my lettris of manrent til indure for al the dais of my life to my said lorde and his airis / In witnes of the quhilk thingis I haue affixit hereto my sele togedir with

myne subscriptioune manuale At Slanis the ferde day of Januer the yere of God j^{m} v^{c} and vij yeris Befor thir witnes Master Jhone the Hay persoune of Turref / Andro Strathachoune / Schir Andro Irlande vicare of Turref / and Schir Jhone Hirdman notare public / with wtheris diuerss

GYLBERT HAY of Ardendracht
manu propria etc ·

XXI.

ANE BAND OF MANRENT OF ROBART WAUSS MAID TO WILIAM ERLL ERROLL. XXVI FEBRUARY MDIX.

Be it kend tyll all men be thyr present lettris me Robert Wauss to be becummyn man and seruand / and be the tenor of this wryt becumis man and seruand / to ane nobyl and mychty lord William Erlle of Eroll Lord Hay Constabyl of Scotland for all the dayis of my lyff . . . . . In wytnes berof I haue affixit my seill to this present writ At Abirden the xxvj day of Februar the yer of our Lord ane thousand fyf hundretht and viij yeris Befor thir wytnes Schyr Jhon Ruderfurd knycht / Master Dauid Hay and Androw Strathaqhin / with otheris diuerss *etc* ·

XXII.

THE LARD OF WUDNES LETTIR OF MANRENT. VIII JANUARY MDXI.

Be it kend tyll all men be thir present lettirs me Ranald Oudny of That Ilk to be becumin man and serwand / and be the tenour of this writ becumis man and serwand / to ane rycht nobill and potent lord Wylyeam Erll of Eroll Lord Hay and Constabill of Scotland for all the dais of my lyf / And I sall be leill and trew to my said lord and do hym seruice with my kyn men and frendis . . . . . .
In witness of the quhilk thing I haf set to my seill to this my lettir of man-

rent At Abbirden the aucht day of Januar the yer of God j^m v^c and ten yeris togyder with the subscription of my hand *etc*.

RANALD OUDNE of
That Ilk.

XXIII.

LITERA HOMAGIJ DOMINI DE ARDENDRACHT FACTA DOMINO COMITI DE EROLLE. V FEBRUARY MDXV.

Jhesus Maria

Be it kend til al men be thir present lettres me Alexander Hay of Ardendracht to be bundyn and oblist / and be thir present lettres and the fatht and treuth in my body stratlie bindis and oblissis me and becumis man / til ane noble and potent lord Williame Erll of Eroll Lord Hay and Constable of Scotland and to his airis male that salbe . . . . . In witness of the quhilk thing to thir my lettres of manrent I haue affixt my sele and subscriuit the samyn with myne awine hande At Slanis the fifte day of Februar the yere of God a thousande fif hundretht and xiiij yeris befor witnes.

ALEX^R HAY off Ardendracht
witht my hand *etc*.

XXIV.

LITERA HOMAGIJ WILIELMI LASK BURGENSIS DE ABIRDENE FACTA DOMINO COMITI DE EROL. XXVI FEBRUARY MDXV.

Jhesus Maria

Be it kende til al men be thir present lettres me Williame Lesk burges of Abirdene to be bundin and oblist / and be thir my lettres and the faith in my body and treuth / stratlie bindis and oblisis me and becumis man til ane noble and potent lorde Williame Erlle of Eroll Lord Hay and Constable of Scotlande That I sal be lele trew and afauld to him and to his airis . . . . . Becauss that my said gude lorde and master has admittit me and affermit me tennend in and to the half of al

and hale the landis of Lesk with the pertinentis pertennande to my deceast fader Williame Lesk of That Ilk in heretage / and pertennand to the said lorde as superior of the samyne / for al the dais of my life for my seruice forsaide · To the obseruyng keping and fulfilling hereof I binde and obliss me to my said lord and mastir in the sickerast forme of obligatioune but fraude or gile / And thir my lettres til endure for al the dais of my life · In witness of the quhilk thing to thir myne lettres of manrent I haue affixt my sele and subscriuit the samyne with my hande At
the xxvj day of Februar the yere of God j^m v^c and xiiij yeris Befor thir witnes Schyr Jhone Baxter / Alexander Mowat / and Schyr Jhone Hirdman notar publict / with otheris diuerss

WILYEAME LESK burgess
of Aberdene

XXV.

LITERA SERUICIJ PATRICIJ CHENE DE ESSELMOND. XXIII MAY MDXVI.

Be it kend til al men be thir present lettres me Patrik Chene of Essilmount to be bundyn and oblist / and be thir my lettres and the fathe and treuth in my body bindis and oblissis me and becummys man / til ane noble and potent lorde Williame Erll of Eroll Lorde Hay and Constable of Scotlande / and til his airis male gottin of his body thai beand of xiiij yeris of age / That I sal be lelle trew and afauld to him and to thame . . . . . Becauss my said gude lorde and mastir has infeft me in his landis of Tawarty for all the dais of my life for my seruice forsaide / To the obseruing keping and fulfilling hereof I binde and obliss me to my said lorde and mastir in the sickerast forme of obligatioune but fraude or gile / And thir my lettres til endure for all the dais of my life / In witnes of the quhilk thing to thir my lettres of manrent I haue affixit my sele and subscriuit the samyne with my hande At Slanis the xxiij day of May the yere of Gode j^m v^c and sextene yeris

Esselmonth his band of seruice · 1516·

PATRIK CHENE of Esilmount with
my hand *etc*.

XXVI.

OBLIGATIO COMITIS DE ERROL TO MANTEYNE PATRIK CHEN AND HIS FRENDIS IN AL MATERIS. XXIV MAY MDXVI.

Be it kend til al men be thir present lettres ws Williame Erll of Eroll Lorde Hay and Constable of Scotlande to be bundyn and oblist / and be thir our lettres and the fath and treuth in our body stratlie bindis and oblissis ws / to our louit cusing Patrik Chene of Essilmount / fforsamekill as he is becummyne speciale man til ws and our airis male for al the dais of his life as at more lyntht is contenit in his lettir of manrent maid til ws tharupone / Herfor we binde and obliss ws and our airis as said is That we sal supple maneteine and defende the said Patrik in al and syndre his richteous caussis and querellis movit and to be movit And be and do for him in al thingis as we aucht to do for our speciale man kynisman and seruande / To the obseruyng keping and fulfilling herof we binde and oblissis ws to the said Patrik in the sickerast forme of obligatioune but fraude or gile / And thir our lettres of manteinance til the said Patrik for al the dais of his life til endure / In witnes of the quhilk thing we haue affixit herto oure sele and subscriuit thir oure lettres with oure awne hande At Slanis the xxiiij day of Maij the yere of Gode a thousand v^c and sextene yeris · And this til endure alss wele and obseruit for his kin frendis and seruandis as for him selue ·

WYLYAM ERLL OF EROLL

XXVII.

LARD OFF MONCURIS BAND OF MANRENT MAID TO THE ERLL OF ERROLL. XXI FEBRUARY MDXLI.

Be it kend till all men be thir present lettres vs Androw Moncur of That Ilk and Androw Moncur sone and apperand aire to the said Androw / with the consent and assent of the said Androw my fader / To be bundyn and oblist / and be the tenour heirof ffor all the dais of our lywis and ilkane of

ouris lelely and trewly byndis and oblissis vs and ilkane of vs be the faithtis and treuthis in our bodeis and ilkane of ouris / To ane noble and mychty lord William Erll of Erroïle Lord Hay and Constable of all Scotland to him and to his airis maile quhatsumeuir / That forsamekile as the said lord has grantit and giwyne to me the said Androw Moncur of That Ilk and to my airis and assignais be his chartour and infeftment maid and gewyne to vs thairapon All and syndry the landis of Rosse witht the pertinentis lyand within the schirefdome of Perth to be haldyne of the said lord and his aris blanche ferme / quhilkis var haldyne of the sad lord and his predecessouris for seruice ward and releif / Thairfor we byndis and oblissis vs and ilkane of vs in maner forsaid ffor all the dais of oure lyffis and ilkane of ouris to the said lord and his airis maile quhatsumevir in manrent and seruice And to tak the said lordis and his aris maile forsaidis trew and anefald part with ouris and ilkane of ouris men and seruandis in all manar of action or querele . . . . . In vitnes heirof to thir our lettres of band manrent and obligatioun I the said Androw Moncur of That Ilk and elikwiss I the said Androw sone and apperand aire to the said Androw Moncur of That Ilk / with the consent and assent of the said Androw my fader and in takyne thairof subscriuyt with his hand / has appensit to our proper selis At Perth the tuenty ane day of Februar the yeir of God j^{m} v^{c} and fourty yeris Befoir thir vitnes Dauid Scrimgeour of Fardel / Thomas Spens of Kynspinde / Master Gilbert Chalmar / Nychol Andersoun / Dauid Moncur / and Schir Jhone . . . . . notar publict / with vtheris diuerss

Androw Moncur off
That Ilk with my hand

XXVIII.

ALEXANDER CHALMERRIS BALNACRAIG BAND OF MANRENT. XXII MAY MDXLIII.

Jesus Maria

Be it kend tile ale mene be this present writ me Alexander Chalmer of Balnacrag To be stratlie bundin and oblist / and be the fath and treutht in

my body lelely and trewlie bindis and oblissis me / To ane rycht nobill ande potent lorde George Erle of Eroll Lord Hay and Constabill of Scotland / for certane gratitudis and profitis done to me be his lordschyp as his band of manteinance maid to me thairupoun purportis / To be leill trew and awfald seruand to the said Erle for all the dayis of my lyf and sall serue his lordschyp in peice and weyr na man beand exceppit safand our Souerane Lady and Lord quhen God prouids ws thairof / And sall quhen I ame requyrit ryd with his lordschyp in his awin besines on his expenss And in tyme of weyr contrar our auld enymis of Ingland on my awin expenss / I sall nothir heir nor se his scath displesour or dishonour bot I sall safar as I may stop the samyn and aduertice his lordschyp thairof And I sall as I ame requyrit gif him my guid and trew consaill / his counsall schawin to me I sall nocht raweill nor oppin / And generaly all othir thingis I sall do to my said lord that be law ressoune or consuetuid of this ralme the seruand to his lord and mastir pertenis to do / In witness heirof / eftir the grit aitht be me suorne for the keping of the premissis / to this writ subscriuit with my hand I haue affixit my seill At Slanis the xxij day of Maij the yeir of God j^m v^c fourty and thre yeris befor thir witnes William Hay broder germane to Alexander Hay of Dalgaty / Johnne Rattray of Kynward / Schir William Hay chaiplane / And Mastir Gilbert Chalmer with otheris diuerss

ALEXANDER CHAMER of Balnacrag
manu propria
VILLIAM HAY vittnes

In dorso · Be it kend tile ale mene be this present writ ws George Erle of Eroll Lord Hay and Constabill of Scotland To be bundin and oblist / and be the fatht and treutht in our body lelely and trewly bindis and oblissis ws / To our cosing and seruand Alexander Chalmer of Balnacrag forsamekill as the said Alexander is becumin man and seruand to ws for all the dayis of his lif / likas his band and obligatioune maid to ws tharupoun purportis / To manteine and defend the said Alexander his seruandis and freindis in all his and thair iust actionis and querellis aganis all dedlie / And is contentit the said Alexander at Witsonday nixt eftir the dait of this writ entir and laubour with his awin propir gudis the half of Ordlethin lyand within the barony of Slanis and schirefdom of Abirdene beand instantlie in his handis be ressoun of alienacioun tharof / And gif it hapnis ws to rademe the samyn fra him he

sall haue ane sufficient lettir of tak and assedacioun for the spaice of fif yeris of the said half toune of Ordlethin atour the takkis conteuit in his reuersioun immediatlie eftir following the samyn / And failyeing thar be na takkis in the said reuersioun immediatlie eftir folloving the rademing tharof payand yeirlie tharfor four pundis of money aucht bollis of meill and beir equaly iiij wedderis iiij geis vj caponis and tua dusane of povtre allanerlie / And frathinfurtht euery fife yeir ane new assedacioune of the said half toune of the said Alexander for his lifetyme or ellis the saidis first fif yeris beand runnyn the said Alexander to be fre and exonerit of his band and obligacioune of manrent maid to ws / In witnes

XXIX.

THE LAIRD OF PITFOWRIS BAND. VIII NOVEMBER MDXLIII.

Be it kend till all men be thir present letres me Johne Cochrane of Pitfour to be buudin and obleist and be the fayth and trewth in my body bindis and obleissis me To ane noble and potent lord George Erle of Errolle Lord Hay and Constabill of Scotland and till his airis and successouris Erlis of Erroll / To becumin leile aiwfald and trew seruand to the said George Erle for all the dayis of my lyftyme and his successouris Erlis of Erroll / our Souerane Lady the Quenis Grace hir tutour and gouernour alanerlie exceptit / And that for certane plesuris and profeitis done and to be done to me be the said Erle And thairfor sall as I am reqwyrit be my said lord serue him in peace and weir with my kyn and seruandis on his expenssis except in tyme of generale conuentionis of the realme or ony part thairof or oistence and thane on my awne expenssis / I sall nother heir nor se his skath nor his airis bot sall in safar as I may stoip the samyn And aduerteice him thairof Thair counsal schawin to me I sal nocht reueile the samyn / Nochtwithstanding of exceptiounis maid ofbefoir yit I except the persoun of the Erle of Craufurd my superior / And for obseruyng and keping of all their premissis I haif subscriuit and selit this my band At Erroll the viij day of Nouember the yeir of God j^{m} v^{c} and fourty thre yeris Befor thir witnes Maistir Cuthberd Welche /

Johne Hay of Many / Williame Setoun / and Maistir Alexander Hay notar publict with vtheris diuerss

JHON COCHRAN
of Pitfour

XXX.

THE LARD OF FYFY BAND OF MANRENT TO MY LORD OF EROLL. XVI DECEMBER MDXLIV.

Be it kend till all men be thir present lettres me George Meldrum of Fivy knycht To be bundin and oblist / and be the tennour of thir presentis be the faitht and treutht in my bodie lelelie and treulie bindis and oblissis me frelie of my avin motife will / To ane noble mychti lord George Erle of Erroll Lord Hay and Constable of Scotland That I salbe leill and trew man and seruand to him fra this day furwart during all the dayis of my lyftyme . . . . . In witnes of the quhilk thing to this present band of manrent subscriuit with my hand my seill is affixit At Slanys the xvj day of December the yeir of God j^m v^c xliiij yeris Befor thir witnes Patrik Mowat of Boquhelle / William Hay of Auchery / Johne Hay in Many / Dauid Rettray / Maister Alexander Hay / Gilbert Hay / and Master Nicholl Robisoun notar publict / with vtheris diuerss

GEORG MELDRUM of Fywe knycht
with my hand

XXXI.

THE LAIRD OF BOCHALYIS BAND. XVI DECEMBER MDXLIV.

Be it kend till all men be thir present lettres me Patrik Mowat of Boquholle To be bundin and oblist / and be the tennour of thir presentis be the faitht and treutht in my bodie lelelie and treuly bindis and oblissis me / To ane noble and mychti lord George Erle of Errole Lord Hay and Constable of Scotland That I sall be leill and trew man and seruand to the

said erle fra this day furwart for all the tyme and space of ellevin yeiris nixt and immediatlie following the day of the dait of thir presentis . . . . . In witness of the quhilk thing to this my present band of manrent subscriuit with my hand my propir seill is affixit At Slanys the xvj day of December the yeir of God ane thousand five hundretht fourty and foure yeiris Befoir thir witness Schir George Meldrum of Fivy knycht / William Hay of Achery / Johne Hay in Many / Dauid Rettray / Maistir Alexander Hay / Gilbert Hay / and Maister Nichole Robisoun noter publict / with vtheris diuerss

PATRIK MOWAT of
Bocholle

XXXII.

ALEXANDER BUCHANE OF AUCHMACOYIS BAND. 1 FEBRUARY MDXLV.

Be it kend tile ale men be this present writ me Alexander Buchane of Auchmacoy To be bundin and oblist / and be the fath and treuth in my body lelely and trewly bindis and oblissis me / To ane nobil and potent lord George Erle of Eroll Lord Hay and Constabill of Scotland for gratitudis plesuris profitis and manteinance done and to be done to me as his lordschipis band maid to me heirapoun proportis . . . . . In witnes heirof I haue subscriuit this writ with my hand at Slanis the first day of Februar the yeir of God j^{m} v^{c} fourti and four yeris Befor thir witnes Mastir Nicholl Robisoun notar publict / William Hay in Auchintender / Mastir Gilbert Chalmer / with vtheris diuerss

ALEX^{R} BUCHANE of Auchmacoy
with my hand

XXXIII.

CONTRACT BETWEEN GEORGE EARL OF HUNTLY AND GEORGE EARL OF ERROLL. III JUNE MDXLVI.

Ane band maid betuix Huntly and George Erll of Erroll and anense the mereage of John Gordoun and Effem Hay *etc*

At Perth the third day of Junij in the yeir of God ane thousand v^c and fourty sex yeris It is appontit and finally concordit betwyx nobill and mychtie lordis George Erll of Huntlie one that ane pairt / and George Erll of Erroll one that vthir pairt / in maner forme and effect as eftir followis That is to saye Athir of the saidis pairteis sall in all tyme to cum during thair lyftymis tak playne trew and aufauld pairt with vtheris in all and syndre thair actionis querrellis and contrauersiis lefull and honest / And ather of thame sall fortifie vthir thair kynn freindis seruandis and pairt takarris at thair vter powar in all thair lefull honest busines and errandis during thair lyftymis aganis thair parteis quhatsumever / The Qwenis Grace hir authorite moder and govirnour allanerly beand accepit / And newir sall heir knaw or wit ony ewill or hurt diuisit for ather of thair personis heretagis landis rentis possessionis bot the samyne sall raueile and debait at the vtermaist of thair powairis · And for mantening of firme amitie and kyndness betwyx the houssiss of Huntlie and Erroll in tyme cumyng Johne Gordoune / als callit Ogilvye / third lauchfull sonn to the said George Erll of Huntlie and fear of the landis of Findlaiter / sal mary and tak to wif solempnitlie in face of holie kyrk Margaret Hay secund dochter to the said George Erll of Erroll lauchtfully gottyne And sall be infeft heretabellye in coniunct fee in all and haill the landis and barrouny of Auchyndowyne with the pertinence castell and maner place of the samyne lyand within the schirefdome of Abirdene / To be haldyne of our Souerane Lady the Qweyne / And therfor the said Georg Erll of Erroll sall content and pay sik sowmis of monye in nayme of toichyr as sall be thocht expedient be thir personis vndirwrytyne That is to say Johne Erll of Suthirland · Wilyam postulat of Abirdene · Alexander Ogilvy of Findlaiter . George Gordoune of Schewess . James Gordoune of Maidlik · and Robert Carnigie of Kynnard · or ony twa of them · for the pairt of the said Erll of Huntlie / Wilyam Erll of Merschell · George Meldrvme of Five · Maister George Hay persone of Roethuen · Alexander Hay of Delgatie . William Kynnard of That Ilk . Petyr Hay of Megnetcht · or ony twa of thame / And failyeing twa of thir

fornemmit personis cane nocht guidly be convenit it sall be lessum to the said Erll of Erroll to fetcht with hyme ony vthir twa [freindis] as he thinkis expedient for his pairt quhilk sall be admittit as tha wer presentlie nemmit / Quha sall convyne and determin one the forsaidis poyntis and all vther debaittis contrauersiis actionis and caussiss bygayne and sall happyne to cum movit or to be movit be athir of the saidis pairteis thair freindis kynnis men and pairt takarris / At Fordiss the xix and xx days of the moneth of Junij in the yeir of God forsaid / to accept and begyne one the forsaidis causis and debaittis and ony twa personis in maner as said is to pronunce thair delinerans betuyx the forsaid day and thre days thaireftir nixt to cum to the quhilkis the forsaidis parteis ar bundane and oblist to vnderly and foulfill / And forder thair sall be ane contract of mariage maid in the maist swir and ampill forme to the effect forsaid betwyx the saidis pairteis be the sycht and ordinance of the personis forsaidis or ony twa of thame for ilk partie / in forme forsaid / And gif this said contract may preiuge or hurt ony of the saidis pairteis or be nocht formell or substancius in it self be the consideratiounne and sycht of men of law / the samyne sall be ay sa oft be thair awise reformit quhill it be maid formell in it self · And for the faithfull obseruing of the premissis in euerilk poynt therof ather of the saidis pairteis are bundane and oblist and sworne to otheris be thair gryt athis the Holye Ewangelistis twychit · In witness of the quhilk baith the saidis pairteis hes subscrivit thir presentis with thair handis togydder with their selis heirto affexit day yeir place forsaidis Befoir thir vitnes Johne Drummond of Innerpeffre · Thomas Menzeis of Petquhedleis · William Kynnard of That Ilk · Peter Hay of Mignutis · James Gordonne of Maidlik · and Robert Carnegie of Kynnard · with vtheris diuerss

George Erlle off Huntly

XXXIV.

THE LARD OF MANEIS BAND OF MANRENT MAID TO GEORGE ERLL OF ERROLL. XVIII JULY MDLIV.

Be it kend till all men be thir present lettres ws Johnne Wauss of Many and Alexander Waus my sone and appeirane air / and the langast lewar of

ws tua / To haf gewin and be thir presentis giffis our band of manrent faithfull kyndnes and seruitud To ane nobill and potent lord George Erll of Erroll Lord Hay Constabill of Scotland *etc* · and Androw Maister of Erroll his eldest sone and appeirane air · To serf the said Lord and Maister at all tymes as thai sell happin to haf ado and beis requirit be thame or ony of thame heirto lely and trewlie in all thair caussis and querrellis bissenes and adois contrar all persone and personis (except the Quenis grace and authorite of Scotland) And neuer to he sene nor cum in thair contrar in na tyme to cum · And that for diuerss gratitudis and guid deidis done to ws and ilkane of ws be the said George Erll of Erroll and Androw Maister of Erroll his sone in tymes bygane And for thair band of manteinance gewin be thame to ws at the making of thir presentis to defend and manteine ws in all tymes to cum / And this band of manrent and seruitud to remane and indnir perpetualie for all the dayss and termes of the lyftymes of ws the saidis Johnne and Alexander and the langast lewar of ws tua lelie and trewly be the faythtis and trewthtis of our bodyis be this our band of manrent subscriuit with our handis To the quhilkis we haf affixit our propir sealis At Slanis the xviij day of Julij the yer of God j^m fywe hundreith fyfty and four yeris Befoir thir witnes Johane Hay of Mochcallis / Alexander Innes of Ardgraine / Johane Morray / Maister Androw Mowet / with vtheris dyuerss *etc*·

JHON WAUS off Many
ALLEXANDER WAWS

XXXV.

ANE INDENTOUR QUHAIR ANDRO TULLEDAFF YOUNG LARD OF RANESTOUN IS BETUIX MAN AND SERUAND TO ANE NOBLE LORD ANDRO MASTER OF ERROLL AND CONSTABLE OF SCOTLAND. XIV NOVEMBER MDLXX.

At Slanis the fourten day off Nouember the yeir of God j^m v^c threscoir and ten yeris It is appoyntit and finallie agreit vpoun betuix ane noble lord Andro Maister of Erroll and Constable of Scotland on the ane pairt / and Androw Tulydaff sone and apperand air to Alexander Tulydaff of Raneistoun on the vthir pairt / in maner as folowis / That is to say the said Andro

Tulydaff is off his awin fre motyve will oncoactit be the adhyss of his speciall and derest fader and freyndis becummis houssald man and servand / and alss with hym ane vthir sufficient rydand man / for all the dayis of his lyftym to the said noble lord And salbe reddie apoun hors and fute to serve the said lord apoun his lordschippis expenssis And salbe sufficientlie bodin tharto in armour wapinnis and honest abulyementis according to his estait / And salbe leill and trew in word and deid as becummis ane faythful servand to be till his lord and maister / and sall nevir heir nor se of the said lord in presens or vtherwyss in his absence bot he sall defend and reveil as ane trew servand suld do in sic caussis And siclyk sall nocht oppoun the secreittis off the said lordis counsell nor na wyss concerning his lordschip that may be hourtfull skaythfull or be dishonour to his lordschip during his said lyftym / vnder the pane of periurie infame credeit and tinsell of perpetuall honouris and estimatioun · Ffor the quhilk the said noble lord sall thankfullie content and pay ilk yeir to the said Andro Tulydaff during the lyftym of the said lord sexten bollis gud and sufficient aite meill / to be yeirlie vpliftit and payit out of his lordschipis landis of Nedder Ardlethin And failyeing tharof out of ony vtheris landis within the barony of Slanis / And the sam to be careit to the said Andro Tulydaffis hous off Mostoun or Raneistoun betuix Yule and Candilmes · And in caiss the said sexten bollis meill be nocht payit yeirly to the said Andro Tulydaff / he to be fre of his seruitud and promess forsaidis · Attour gif it happinis the said Andro Tulydaff that his sufficient hors deis or beis slane being in the said lordis company and seruice the said lord sal gif to hym ane hors agane alss sufficient as the vthir hors · And for observing keiping and faythfull fulfilling of the premissis athir of the saidis parteis bindis and obleissis tham *hinc inde* to abyd ferme and stable thairat *promittando die rato* / Prouydeit alwyss that the said Andro Tulydaff with his servandis serve the said lord continewallie acontrar quhatsumevir persoun or persounis the Kingis Maiesteis aucthoritie onlie except · In witnes heiroff bayth the saidis parteis hes subscryuit this present obligatioun in maner of indentour with thair handis day yeir and place aboue writtin Befoir thir witnessis George Haye of Newraw / Neill Neilson / and Johne Storie *etc*·

Andro Maister of Eroll
Androw Tulidaf apperand
of Ranistoun with my hand

XXXVI.

MR. RICHART LAWSOUNIS BAND OF MANRENT TO THE ERLL OF ERROLL. XV AUGUST MDLXXX.

Be it kend tyll all men be thir present lettres me Master Rychart Lausoun to be bundin and oblist and be the faith and trewtht in my body bindis and oblissis me to ane nobill and michti lord Wilyam Erll of Eroll Lord Hay and Constabill of Scotland / and to Wilyam Master of Eroll his soun and aire apperand / that [I] sall for all the dais of my lif gyf tham my best and trewast consall I can without disimulatioun in all caussis querellis and actionis mowit or to be mowit be thaim or at concernis to thaim or againnis thaim and sall forthir thaim to haf justiss thairin in the best and mast faworabill uiss . . . . . profit and honour at all tymis to the quhilk I oblissis me faithfully but fraud or gyll / In witness heirof I haf subscrywit this writ with my hand At Edinburgh the fyften day of August the yeir of God j^m^ fyf hundreth and auchti yeris

RICARDUS LAUSOUN
manu propria

XXXVII.

HUNTLIS AND ERROLLIS BAND OF FREINDSCHIP. XVII SEPTEMBER MDLXXXIX.

We George Erll of Huntlie and Franceis Erll of Erroll Seing and considdering the mutabileteis changeis and contraverseis daylie falling furth amongis the haill estaitis of this power realme / alssweill nobillmen as vtheris / to the gryt inquyetatioun of his Maiesties gwid estait and greife of all his gwid subjectis / and thairby persaweing our awin perrell and danger in particular / And quhow meit and necessar it is to ws twa to knet vp ane sower freindschip to continow betwix ws as twa brether born of ane mother / in all tym cuming dwring our lyftymis / We thairfor to be bwnd and oblesit be thir presentis fathfullie ilkane of ws to vther / the gryt oith sworne and the Haly Evangell twichit / that we sall keip and observe our sower and

infallibill affectioun gwidwill and freindschyp to vtheris in sick sort that ony of our actiounis and caussis quhatsumever criminall or civeill salbe alyk commwnd to ws boith / to assist fortifie and defend in the law and by the law aganis all vtheris persone or personis the Kingis Maiestie his awin persoune onlie exceptit / And ather of ws haweing quarrell questioun or debait with ony vther partie or parteis within this realme the samyn to be manteuit and furth set be ws boith with our awin presence our freindis and living but exceptioun / And no difference nor dedlie feid present nor to ewm to be reconsilit vptakin nor pacifeit be ane of ws but the speciall consent and advyse of the vther had and obtenit thairto / And that new freindschyp nor amitie salbe contractit nor promesit be ather of ws to ony vther persoune nor persounis but the speciall consent of ws boith mutwallie / And in cace we think neidfull to resawe ony vther nobillman or vtheris in this band of freindschip / the samyn to be doin be ws boith and nocht be ane of ws / And generallie that no thing salbe doin be ather of ws in prejudice nor brek of this particular band vnder the pane of perjurie dishonour / and defamatioun for ever / And for eschewing of ony debait or occasioun amangis our freindis in cace ony actioun sall aryse we ar content and oblessis ws that all contraverseis amangis ather of our freindis salbe *simpliciter* suspendit fra the law criminall or civill and the samyn remittit mutwallie and freindlie to sax fyve four thre or twa freindis leist suspect and equallie chosin for boith parteis and the debait to be decernit be thame allanerlie / And this and haill contentis forsaid we promeis bindis and oblissis ws to do for ever during our lyftym as said is / In faith and witnes heirof we hawe subscryvit this present band with our handis and hes delyuerit the just dwbill heirof ilk ane to vther to remain as ane sover testimonie of our faythfull promeis and continwance of our affectioune At Aberdein the xvij day of September 1589 yeiris / Befoir thir witnes Johne Leslye of Boquhoyn Johne Gordoun of Bukkie / and Captane Thomas Ker /

George Erlle of Huntlye
Francis Erll off Erroll *etc*

Jhone Leslie of Ballquhane witness
Jhone Gordoune vitnes
C Thomas Ker witness

XXXVIII.

BAND OF SERUICE ANDROW HERING TO THE ERLE OF ERROLL AND HIS AIRIS. V FEBRUARY MDCI·

Be it kend till all men be thir present lettres me Andro Hering of Little Blair / Fforsamekle as I haiffing speciale regaird and consideration of the fre remitt and lettre of slanes past and grantit to me be ane noble and mychtie lord Francis Erle of Erroll Lord Hay *etc* · and Great Constabule of Scoitland / as cheiff and principall of the surname of Hay / of the slauchter of vmquhile James Hay son to wmquhile Williame Hay of Gourdie committit be me And thairby finding myselff for euir oblist to the said noble lord his clemencie / Thairfoir of my awne accorde and fre motiue will oncoactit Till haue becumin / and be the tenour heirof in all efauldnes and simplicitie of hert becumis / seruand to the said noble lord his airis and successouris during all the dayis of my lyftyme eftir the day and dait of thir presentis And faithfullie promittis and awowis fra this furth to honour reuerence serue and obey the said noble lord his airis and successouris / quhome I acknawlege as my onelie lord and maister and sall gif my onelie dependance vpone thame / And tak efauld trew and plane pairt with thame in all thair actionis querellis and effairis quhatsumeuir with my haill power in tyme cuming aganis quhatsumeuir personis (oure Souerane Lord and his auctoritie onelie exceptit) And sall neuir heir nor sie thair interess damnage or skayth bot sall ganestand the samen to the vttermest of my powar and foirwarne thame deulie thairof / And sall concele all thair secreittis and counsallis and neuir revele or mak the samen manifest in ony sort And sall behaiff myselff sua to the said noble lord and his foirsaidis induring all the dayis of my lyftyme in all vprychtnes and simplicitie of hert / as becumis the maist faythfull and obedient seruand to do towardis his maister / but ony contradictioun ganecalling or reuocatioun quhatsumeuir vnder the pane of periurie infamie and tinsell of perpetuale honour fayth and credite for euir / In witnes heirof thir presentis beand writin be Williame Robertsone notar publict in Perthe I haue subscriuit the samen with my awne hand At Perthe the fyft day of Februar the yeir of God j^{m} sex hundrethe and ane yeir Befoir thir witness Dauid Hering fear of Glasclone / James Ogilvy apperand of Cloway Sir James

Stewart of Ballequhan Hary Drumonde tutour of Blare and the said William Robertsone notar·

ANDRO HERYNG of Litilblar

Dauid Hering fier of Glasclune witnes
James Ogilvy fier of Clouay vitnes
James Steuart off Ballequhain uitnes
Harie Drummvnd witnes
William Robertsone notar witnes *etc*·

XXXIX.

BAND OF SERVICE LAIRD OF CRAIGHALL TO MY LORD ERLE OF ERROLL. XV NOVEMBER MDCIII.

BE IT KEND till all men quhome it effeiris ME SILUESTER RETTRAY of Craighall acknawledgeing the great benefite and favour schawin and extendit towardis me be the richt noble and potent Earle Francis Erle of Erroll Lord Hay and Great Constable of Scotland *etc* · in yeilding and granting to the passing of ane lettre of slaynes maid to me be Androw Hay of Gowrdie and remanent his bredrene thairin mentionat for the slawchter of vmquhile William Hay thair brother his lordschipis kynisman / Off quhais slawchter I can nocht deny myself to be giltiles / And for assythment satisfactioun and recompence theirof and benefite resavit be the said lettre of slaynes / ME to be bund and obleist / lyk as I be the tenour heirof for myself my airis and successouris lairdis of Craighall bindis and obleissis me and thame *successive* / To be trew and eafauld servitouris to the said noble lord his airis successouris and posteritie Erles of Erroll And be thir presentis for me and my foirsaidis grantis and giffis our speciall dependance and observance to the said noble lord and his forisaidis and to his lordschip and his successouris howss of Errol perpetuallie neirest to his Maiestie / withe our band of manrent sa far as our power abilitie or moyen may extend againes quhomesoever (his Hienes and his sucessouris being only exceptit) As lykwayes bindis and obleissis me for myself and for my foirsaidis in manner abouewrettin to the said noble Erle and his foirsaidis to gif our trew and eafauld advyse counsell and concurrence to his lordschip and his successouris honorable adois quhensoever it sall happin me or my foirsaidis to be imployit or requerit theirto / And never to conceill ony thing sa far as may cwm to our knawledge tending to his

lordschips his successouris or thair howssis prejudice bot to reveile and prevent the samyn sa far as we may or can vpon onr faithe and conscience / Quhilkis premissis I bind and obleiss me for my self and my foirsaidis as said is to doe observe keip and fulfill leillilie trewlie and dewtifullie in all poyntis vnder the paynes of periurie infamie defamatioun tinsell of honour and credit perpetuall As lykwayes to renew reforme and reiterat this present band of manrent to the said noble lord and his foirsaidis sa oft as I or my foirsaidis salbe requerit theirto ay and quhill it be sufficient to the effect abouewrittin keipand the substantialities of the premissis / In witness quherof I haif subscryvit this present withe my band in manner vnderwrittin quhilk is wrettin be Robert Hay notar publict servitour to the said noble lord At Cowper of Angus the fyftene day of November the yeir of God j^m sex hundreth and thrie yeiris Befoir thir witnessis Patrik Ogilvy of Inschmertene Dauid Hearing fear of Glasclune James Halyburtoun of Pitcurre Patrik Kynnaird of That Ilk The said Robert Hay writtar heirof withe vtheris dyvers / Sir Johnne Ogilvie of Innerquharitie knicht James Ogilvie of Balfour Johnne Wischart of That Ilk Sir Johnne Ogilvie of Craigy knicht *etc* ·

S Rattray of Craighall ·

James Halyburtonne of Pitcur witness
Sr. Ihone Ogilwy of Innerquharitie witnes ·
James Ogilwy of Ballfour witness ·
J Wishart of That Ilk witnes
Dauid Hering fier of Glasclun ·
Sr Jhone Ogilvy of Craigy vitnes
Patrik Kynnard of That Ilk witness
R Hay / writtar witnes ·

XL.

OFFERS FOR THE PAIRT OF PATRIK CAMPBELL OF KETHICK TO THE NOBLE AND MICHTIE LORD FRANCIS ERLE OF ERROLL ETC. AND TO ANDROW HAY OF GOWRDIE FOR HIMSELF HIS BRETHER KIN AND FREINDIS. XIII JULY MDCIV.

I the said Patrik Campbell being accusit for being in cumpany withe Silvester Rettray of Craighall Mastir James Rettray his father brother

and certan vtheris quhen vmquhile William Hay brother to the said Androw was slaine in Perthe / declaires vpon my sawle and conscience That nather came I thair of resolute purpoiss nor did skaithe to the said vmquhile William / saif that I was in the foirsaid cumpany / quhairthrow being onable to abyd the straitnes of the law / I am content and be thir presentis submittis me in the said noble Erles will for his lordschips satisfactioun in honour in quhatsumever his lordschip will inioyne me As also in his lordschips will of geir to the pairtie as his lordschip sall pleis to determinat and decrie Quhilk decrie to be pronuncit be his lordschip in the premissis I be thir presentis bindis and obleissis me to obtemper and obey in all humilitie Be thir presentis subscryuit vith my hand At Perth the thrattein day of Julij the yeir of God j^{m} vj^{c} and four yeris

P Campbell of Kathik

XLI.

BAND CLAN DONACHIE TO THAIR CHEIFF. XIX MAY MDCXII.

Be it kend to all men be thir presentes ws Alexander Robertsone of Faskellie / Johne Reid *alias* Robertsone of Strathloch / Alaster Farlastone of Inchemacrannich / Johne Farlastone younger appeirand of Monnese / Duncane Robertsone of Dulcaper / Alaster Robertsone in Auchinrew / Charlis Robertsone in Calwin / James Robertsone in Killisgewre

Forsamekle as we wnderstand the lwifing fauor and regaird careit be ane noble and potent Lord Francisse Erll of Erroll Lord Hay Heich Constabill of Scotland to Robert Robertsone of Strowan our Cheiff and his houss / quhairof we ar discendit / And being maist willing for our partis to defend our Cheiff to our power in his lawfull and honest adoes and mantein his estait sa far as our abilities may reatche / Thairfoir to be bound and straitlie oblisit and be the tenour herof bindis and faythfullie obleisis ws coniunctlie ilkane for our awin partis to the said noble lord that we sall be his lordschippis adwyss concur and assist the said Laird of Strowan mantein and help his houss and estait sa far as possiblie we can be able wnder the pain of infamie and defamatioune / In faith and witnes quhairof we haif subscriuit thir presentes with our handis writtin be Alexander

Dauidsone seruitour to the said noble Lord At Perth the nyntein day of May j^m vi^c and tuelf yeires Befoir witnessis Mr George Hay persone of Turreff / Dauid Maxtoun burges of Perth / Johne Robertsone / and the said Alexander Dauidsone writer forsaid

ALASTER ROBERTSOUN in Auchinrew forsaid with my hand at the pen led be the notar publict vnder writtin at my cummand becaus I can nocht writ / *Ita est Alexander Dauidsone notarius publicus de speciali mandato dicti Alexandri scribere nescientis vt asseruit*

JHONE ROBERTSOUN off Straloch

CHAIRLISS ROBERTSONE

JAMES ROBERTSONE with my hand

ALLEX^R ROBERTSON of Inchemagrunocht

M George Hay persone of Turreff witnes

Dauid Maxton witnes

III. Letters.

I.

THE EARL OF HUNTLY TO THE EARL MARISCHAL.

My lord and broder / Eftir maist hartly commendatioun plesitt your lordschip my lord of Suthirland hes schawin me sum heidis concerning the mater betuix your lordschip and the Maister of Erroll quhilk I wold fane wer adressit in ane freindlye maner and wald that ye affixt ane day quhane sic freindis may convene as your lordschip plesis refer that mater to / for my lord of Sutherland hes taikin on hand that the Maister of Erroll will stand at freindis in lyk maner for his part / And becaus I gaif ane decreitt in that mater quhairin the Maister wes verray compleneteous I wald thairfor and for diuerse wtheris respectis that the mater wer adressitt in ane freindlye maner rather nor to pas to the rigor with the samyn / thairfor prayes your lordship to send your answer heirin with the berer / Forder I am informit that your lordschips seruand John Keytht in Cathnes hes maid sum new nouatiounis on the bischope of Cathnes / praying your lordschip heirfor to considder the samyn and to caus him desist thairfra in tyme cuming sua that thair be na forder cause to complein on him / Referring to your answer and God be your lordschips keipar / At Elgin the thrid day of Aprile / Your lordschips syster commendis hir hartlie to yow and gif thair be ony thing your lordschip wald send in thir partis ye will pleis aduerteis me thairof quhilk I salbe as I may / I sall haif ane schortly eftir Pasche at yow with all sic thingis as I haif hard bayth of the procedingis in the south and of sic thingis as I haif fund in thir pairtis

Your broder at his power

HUNTLY

To my lord and broder
Erle Merschell

II.

THE JUST COPIE OF THE LETTRE DIRECT FRA THE ERLE OF ERROLL TO THE ERLE OF MARSCHELL THE XVII DAY OF SEPTEMBER MDC.

My lord, howfar I haif euer preissit thir yeiris bygane, and sen I did occupie the place quhilk I presentlie posses, till keip that naturall dewtie towart yow, quhairto we ar baith bound be proximitie of blood, God bearis me witnesse: And yourself can testifie, quhen ever occasion offerit of your aidoe: Nather doe I complaine of your pairt in commoun offices of freindschip: As for the debaittis standing of auld betuix our howssis and presentlie betuix our selfis, how lang and luifinglie I haif socht thame to be removeit (nocht be law or truble quhilk is now the commoun custome of the cuntrie in maiteris of less wecht) bot be all the freindlie meanis lay in my power or that I could devyse, thinking in that forme till pluk vp the ruit of all eivill, that be wicked dewyssis micht in any tyme cuming aryse betuix our selfis and posteritie: And to that effect sum of our luifing freindis haifing dyvers tymes convenit, scamit to gif sum hoip off conformitie, yit na beginning of setling, and in the meantyme vnder commoning of freindis, quhen I luikit for best succes, ever the further wrangit, nochtwithstanding of the particular warrandis I haif of your self for quieting of all eilistis: Bot lastlie maist of all, at quhilk tyme of our meiting at Deir I resavit sic notable wrang as I think few or nane haif sene the lyk done vnder trysting withowt any dischairge, quhairby finding my self so far behind and withowt hoip of any mair freindlie dealing in that errand; I haif thocht heirby till vse yow honestlie, in dischairgeing my self of all that be the last commoning of freindis I may be thocht bund vntill, in sic forme and for sic respectis as I haif willit thir beraris the laird of Wattertowne and William Hay of Crimmonmogat till schaw yow, quhome your lordschip sall credite as directit purpoislie to that effect. Sa for the present I commit yow to God. Turray the xvij day of September 1600.

Your lordschips mair affectionat nor weill met

ERROLL.

III.

YOWNG FRENDRAWCHT HIS LETTRE TO THE LAIRD OF BALQUHYNE.

Honorabill and luffing brother, my werraye hartlye commendatioun rememberitt: The Laird of Drum and I hes resaued ane lettre fra my Lord Erroll, with sik particullar pointis, quhairbye we persaue his lordschip iwill instructitt att the present: be quhayis informatioun we can nocht direcklie juge, bot douttis nocht bot God with tyme will bayth interpreit tham and wss (I meane ewerye ane in thair awin collowris). Trewe itt is, brother, that from the beginning of this mater the laird of Drum, your selff and I, hes coniunctlye and efaldlye delt heirin, as luffing and indifferent freindis to thame baytht, but respect of partie, or perrell wnto our selfis, respecting alwayis thair weillis and concord as our cheif contentment: quhilkis, nowe yitt as abefoir, I am maist asseured is your, the laird off Drum, and myne awin onlye intentioun, quhowsoewer iwill disposed personis sall enterpreitt ather of ws: for we all thre knowis perfytlye, that incais sum iwill disposit persoun or personis haid nocht interruppitt our luffing and freindlye intentioun, my Lord Erroll of his lordschipis awin naturall inclinatioun, haid newer recleamed from ws (being sa indifferentlye chosin). Thairfoir, brother, as ye haiff from the beginning delt be ws and we be yow, as thre distinct personis haiffing bot ane mynd and ane onlye intentioun, vill nowe maist eirneslie request yow for till concur with ws in the end, as we sall with yowe, for effectuing of sa guid a purpois: quhairintill we sall haiff contentment with honnour, in perfyting ane mater sa weychtie committit till our charge, being sa longe lingared be noble men off our rank and abowe befoir this tyme. And althocht bayth thir noble men be miscontentitt for the present, or the day thrie yeir at farrest, thaye will blisse our bainis, incais we be nocht present in persoun to receawe thankis. To conclud: we luik asseuredlie that quhowfar ye haiff gain with ws att the beginning of this mater, ye will also end and conclud with ws: seing by yow we concluditt nathing, and thatt quhowsoewer ather off the erlis will interpreitt ws, we mon as our foirbearis, leiff and die as coniunct freindis, and, with God his helpe, leiff ane introductioun till our posteritie. In the meantyme quhow rasche soewer my Lord Erroll interpretis the lard Drum or me to be in this particullar tuiching his lordschip and

Ludquharne, we haiff delt and yitt sall dell quhat in ws lyis to satisffeye my lord Erroll his lordschipis desyir, prowyding we cut nocht my Lord Merschael his lordschipis thrott: and to that effect will desyr yow to meitt ws the morne be tene howris, quhair we sall abyd your cumming, at Stirwelin hill, and thair att lengtht we sall ressoun forder nor we cane presently wreitt. Sua resting thairto I committ yow maist hartlye to the protectioun of the Almychtie. Innervgye this Sonday

Youris maist luffing brothir

J Crychtoun

To the rycht honorabill and his maist luffing brother
The Laird Balquhane

IV.

THE LAIRD OF DRWM AND YOWNG FRENDRACHT THAIR LETTER TO BALQUHINE OF THE TENT OF JULIJ MDCII CONSERNING THE ERLLIS OF ERROLL AND MERSHALL.

Rycht honorabill and hairtlie beluffed brother / Efter our hartliest commendatiouns, pleisse heirwith to resaiff ane copie of the decreitt we ar to consent in the blank betuix the Erlis off Erroll and Marschell: quhilk we haiff formit for our ingyn in termis leist offensiue to Erroll, quhairbe ye mycht the mair hairtelie join with ws (as we stand nothe in doubt bott off duetie ye vill) in this mater tuiching sa neirlie thair veilfairis and concord and our honesteis. And sa itt sall pleisse yow to reid the same and to retourn itt vith the berar towardis ws, and to certefe ws off your consent be your letter heirto as is sett doun: for seing we are jonit in all deuteis we desyr nothe we suld deuyd in this, wthervayis we vilbe forcit, fering our schame and thir nobill meu thair onquyetnes, to pronunce be our selffis: albeitt we visse vthervayis, that we suld gang coniunctle togidder, seing no iust reson to distract ws. Attour, itt sall pleisse you, for clering off this mater betuix my Lord Erroll and Ludquharn, to resaiff on the bak off the said decreitt the very just copie of George Hay his band: quhairbe ye vill aiselie considder that the Erle of Marschall can na vayis releiff him selff off the perrell of his bandis to Ludquharn and Alex-

ander Keyth, bott be your randering off that band or discharge grantit to Erroll be Ludquharn, or be my Lord his decreitt to be pronuncit in finall conclusioun off thais ilestis: quhairin seing we find your part sum thing heauie, in respect ye procurit that discharge and on quhilk conditionis ye knaw best, wald ather conseill you to mak that be dischargit bak to Erroll, or then we will be forcit off reson to conclude in sentence vith Marschell: and na thing mair nor ye condescendit to your selff, seing Marschell hes no other band off thairis to releiff him be, And to bind him to them in ane mater vthervayes concludit we think itt nothe the best. Itt sall pleisse you, sir, to meitt ws on Mononday, be nyn houris befoir noun, on the ground: quhair ye sall be partner or witnesse of the conclusion in that erand, as ye pleisse: and quhosoevir ye be dispositt vill pray your presence maist hartlie as ye sall heff ouris at command. And sa our humbill duetie rememberit to my Lord and Laydie, thair committis you maist hartle to God, this x off Julij 1602,

Youris luffing brether at pouer assured

A Iruin yr off Drum

To the Richt Honnorabill J Crychtoun

The Laird off Balquhyn

V.

THE LAIRD DRUM HIS ANSWER TO MY LORD OF ERROLLIS LETTRE CONCERNING THE SUBMISSIONES BETUIX THE ERLIS OF MERSCHEALL AND ERROLL AND LUDQUHARNE. XI JULY MDCII.

My lord, Efter our hairtliest comendatiouns of seruice, pleiss we heff this day resaued your lordschipis letter, off ane onacquentit styll / baith in respect off our luffing dueteis touardis your lordschip, and your lordschipis accustumat courteseis touardis ws / Being be thais menis inducitt in thir snares we ar sore we can nothe expeid our selfis but your lordschipis miscontentment, or our avin schame / . . . . . off your lordschipis courtoisies to ws, and our hartliness to your lordschip in all humble degrie, we haiff chosin rather, be our doingis to committ our selffis to your lordschipis wounted courtoisie be satling off thir debaitis for our poware / nor to the

sklander off the wardill miserabill and bestle, to leff your lordschip vith thais (ye augcht for sindre respectis to luff best) in luggis, as the prouerb is. Sa we protest befoir God, quhosoeuer we be no vichis, our villis ar bent to baith your lordschipis veilfairis / And sa in hoip that God vill assist ws, be mitigating off baith your lordschips myndis touardis vtheris and ws, conforme to charetie, we intend, God villing, to sattill your lordschipis baith, as far as we off powar may. And quhair in your lordschipis letter your lordschip vald accuss ws off partialitie, we ar nothe to contrare your lordschip / Yit doubtis nothe, bott the Lord, quha knavis the secreittis off all men hartis, heirefter sall mak our pairt discouerit, to sum better contentment and commendatioune. Quhair your lordschip affirmis, bee thais spak to your lordschip from ws / your lordschip wass informit we war to reiect all resons proponit be your lordschip quhilkis mycht nothe eleid the Erle off Marschall his lordschipis decreit of cognitioun / in this we think we faill nothe, with your lordschipis pardoun: seing, in your lordschipis avin pressence al tymis befoir, and then, giff itt had bein permittit to ws be your lordschipis freindis, we war abill off resoun to haiff excusitt our selfis / and na less villing to haiff offerrit our selfis / and vill, I assur your lordschip, to all the wardill heirefter, that nather in that haiff we committit errour throw ignorance [nor] yett vrang throw vilfulness or partialite. And for our mair assurednesse in our resolutione, we may say, that at our last [trysting] all being alledgitt that vass now proponit, and alyk friuolouss, it wass for delaying off our sentence then desyritt, that your lordschip mycht heff ane vther dyett, in the quhilk your lordschip suld propone peremptourlie *in scriptis*, ather to eleid or mitigatt the Erle off Marschell his lordschipis decreitt / quhilkis now nothe being performit, yea schairsli spokin off, we thocht it impertinent resoning and neuer tending to conclusioun, *repetere principia*, as the scoller sayis. On quhilk consideratione, we heff chosin rather barnlie to conclud charite, nor vyslie to foster discenttioun. Quhair your lordschip sayis it vill nothe vork our vissit effect / *Quod supra nos nihill ad nos*, sa latt the Lord that creatit all, woork that at his heavinlie vill: bott giff it sall nothe fall vthervyis nor we propone or vissis, itt salbe alwayis to your honouris queyetnessis and contentmentis, and sa in ane cheritable fault we esteme no less nor ane . . . . . mycht be apardonit / As for your lordschipis passionat patience purposing heirefter to do and think to ws we newer deseruit yet sall God villing / God grant your lordschip na gryter desyr to think or do to ws

bott as to your lordschipis luffing freindis, nor we remain off stedfast resolutioune to honour your lordschip to our powar: And giff the conclusioun be nothe falsse / *Quod intentio judicat hominem* / we hoip in God we sall be absoluit, seing our mening is good / As for this mater vith Ludquharn, itt may be your lordschip gett mair off your lordschipis avin vill nor your lordschip lookis for / And yett we esteme nothe bott heirefter, your lordschip sall find our mening in that nothe worst / bott senss your lordschip is presentlie preocupijt vith choler against ws, thair restis nocht place to perswade your lordschip in quhatt we think we mycht baith off resone and honest affectioun touardis your lordschipis veilfair, quhilk God villing heirefter I hoip salbe mair sesonable / and soner, giff we leiff, nor sevin yeris. Till quhilk tym vill pray your lordschip to continew your lordschipis wounted affectioune to ws, and we sall abyd your lordschipis euer as befoir reddie in scruice to be commandit / for vnless your lordschip vill by custume disdain ws we intend never to alter our deuties / or at leist to continew for sevin yeiris as we ar, or quhilk tym itt may fall ane comle change / As for that part of your lordschipis letter tuiching the restitutionn off your lordschip to all vritis in my hand, becauss itt concernis me I ansuer for my selff / God villing be ougcht I heff resauit, your lordschip nor nain heffing entress salbe preiudgit / seing, as thai ar committet to my credit, I sall preserve them till I present them in judgement / quhairin giff your lordschip or the parteis beis sueir, I intend to vss my avin diligence to heff them consignit, that I may be frie / Quharin your lordschip sayis that your lordschipis trubbill or expensis will nothe mak our burdin the ligchter / we knaw nothe quhatt your lordschip menis thairbe, seing we desyir nether trubill to your lordschip nor ony exoneratioune to our selfis of ony thing we ar to do, seing we intend to do itt befoir God and the wardill, in honest . . . . Sa resting to be tediouss, and nothe distrusting your lordschipis discretioune, committis your lordschip and all youris maist hartlie to God / the xi of Julij 1602 /

Your lordschipis luffing freindis at powar
assured to be commandit

A Iruin yr off Drum
J Crychtoun

To our speciall
good lord My Lord
Erle off Erroll *etc.*

VI.

THE COPIE OF THE LAIRD OF THE CRAIGIS LETTRE TO MY LORD ERROLL.

My lord, my maist hartlie commendationis rememberitt with service, pleis your lordschip, I haiff conferritt with my lord my cheiff,[1] quha is verrie glaid to meitt with your lordschip at Deir vpon Satterday cum aucht dayis, be sic tym your lordschip will appointt / and with his lordschip he thinkis meitest the yowng laird Drum and Frendratt, and as your lordschip sall think meit agane to bring any luiffing freindis your lordschip pleissis / As to my gwdwill it is als great as any vther, bot my credite is only in my pleane speiking. And the rest to sic occasioun as sall offer to meit with your lordschip, I committ your lordschip your bedfellow and sweit babis to the Lord of Hevinis protectioun. Wreittin this Frydday lait

Your lordschipis to be commandit with service

RAVINSCRAIG

Your lordschip pleis appardoun me of this forgetfulnes, Mononday cwm aucht dayis is thocht maist convenient, and it contentt your lordschip.

VII.

A PERSON UNKNOWN TO JOHN TWELFTH EARL OF ERROLL.

June 1683.

. . . . . .

Privat newes from Edinburgh.

One James Smith going from the Cannongate, alledged to have been at Boddell bridg, convoyed with six of the Kings lyfguard of horse, to be tryed at the circuit of Glasgow, at a bridg near Kirkintillow ten men fyred out of a house on them, killed David Murray, wounded John Ballantine,

(1) [The Earl Marischal.]

and another, came out and cutt the cords that the prisoner was tyed with and all of them took presentlie a mosse.

For the Right Honourable
The Earle of Erroll
Lord High Constable of Scotlande
These.

VIII.

J. HAY TO LADY ANNE DRUMMOND, COUNTESS OF ERROLL.

Madam

I had a letter on Sunday last from the provest of Edinburgh, wherin he wrytes from Windsor that the hospitall busines was only delayed till he got a return from my Lord Chancellar[1] of a letter he had writt to him. I went on Monday to my Lord Chancellar, and his lordship told me he had writtin the ansuer already, and befor now it was at the provests hand; and yesternight meeting with Sir Thomas Kennedy, the last provest, he told me the papers wer signed by the King. But I shall wait for the confirmation of this by the nixt post.

I have heard nothing of Northesks people since my lord[2] went from this, nor haue I seen Claverhous since except at a distance. The last news lettre, I mean the last weeks, did bear that his grace the Duke of Gordon had alterd his resolution of going abroad and kissed the Kings hand in order to coming home, and its said my lady Dutchess stayes some tym behind him. Besyd the ordering of the militia as I haue writtin to my lord, if any appearance of invasion be, beacons ar appointed to be sett on in sundrie places, and all between sixty and sixteen to ryse upon advertisment by the cross.[3] I caused my wyffe buy the sattin and flannen your ladyship ordred which James Body is to send by this bearer. They ar the best of both she could get. The last gazet is the only news can at present be had to be sent your ladyship by, Madam,

Your ladyships most humble and most obedient servant

J. Hay

Edinburgh 19 September 1688

(1) [The Countess' brother, James fourth Earl of Perth.]
(2) [The Countess' husband, John twelfth Earl of Erroll.]
(3) [That is, The Fiery Cross.]

IX.

WILLIAM HAY TO THE COUNTESS OF ERROLL.

May it please your honor

Madame

I have been so much hurryed this whyle bygone, that I have been forced in some pairt to delay the performing your ladyships commands, bot, God willing, quhairin I have failled I shall endevour to supply in my vigilance of observing your ladyships commands heirafter. I am overjoyed to be confirmed of my lords finall transaction with the town of Edinburgh, quhich wes performed on Thursday last in Blairs', wher my Lord Chancelar wes with my lord, and quhair both were treated by the town, and pepers exchanged; so that now blessed be God the Earl Erroll hes as frie ane estate of any incumberance as any Scottish man. It is like your ladyship may have seen the attestation of witness anent the Prince;(1) houever having it, I reckoned it my duty to send it. I have seen this day a Delaratione from the King anent the Prince of Orange importing that he had invaded England, had taken on him the regall style, had many specious pretexts, among the rest to call a frie parliament; which assertion of his is opposed in the Kings declaration thus, that ther is nothing more he desyres then that, and in order thairto hes restord all corporations to their ancient priviledges, and that the only means to obstruct a frie parliament would be the Prince, by his having ane army over their heads: And this declaration gives accountt that the Dutch consists of about ten thousand foot, quhairof Maccay, Balfour and Talmash are the only native collonells, and about three thousand six hundred horses. Quhether true or not I know not, we are oblidged to beleive the King. This day in obedience to the privy councill the commissioners having mett (altho a few, being bad weather) have imposed thirty-six shillings Scotes for every footman outreicht in Aberdeenshyre, quhich with fourteen shillings and twelve shillings formerly imposed makes up fourty dayes . . . . . the fourth part detachment. Wee are told heir that the Shireff of the Merns and young Craigivar have fought, and that the Shireff is wounded, and two or three men killed quho entered the quarrell. The whole militia is to be again detached to three thousand foot and six hundred horse. The Master of Forbes is

(1) [The infant Prince of Wales.]

captain over the Bamf Aberdeen and Merns horses, Camphel-Forbes his lieuteuant, and William Burnet, Leyes brother, his cornet, in place of those formerly named. Duffus hes the comand of the north countrey horse. It seems no news can come to this place by reason the pacquet is now always seased on, by what means is not discovered. They tell me that privat lettres bear the Dutch to be fourty thousand men; we shall scarce have any sure account this eight dayes. Your ladyship hes certanly letter accountts then this place can pretend to, bot thus far I thocht it my duty to give your ladyship accountt, as a testimony, in so far, that I am sensible that it is my duty to all intents and purposes to be,

May it please your ladyship,

Madame,

Your ladyships most obedient and most faithfull servant

November 20 [16]88 WILL: HAY.

Your ladyship hes heard of the new election of the magistrats heir,(1) quhich as I am informed wes done by a list sent from Edinburgh to the old councill by ther dictator Bailyie Ædie: Alexander Gordoun, provest; George Seton, Jon Gordoun the provests son, Jon Lesly the late provests son, and Robert Cruickshank of Banchory, bailyies; Andrew Burnet, dean of guild; a young man called Robert Gordon thesaurer. I have given your ladyship accountt by Mr. William Nisbet of the goods brought by Andrew Burnet, quhich I shall repeat to your ladyship: A cabinet with standard, a chest of drauers with standard, tuo tables, tuo mirrours, tuo pair stands, all of fyne mosaik or indented work, with thirty dozen bottels, and eighteen or twenty four peuther dishes, and five or six dozen trenchers.

X.

J. HAY TO THE COUNTESS OF ERROLL.

Madam

Upon Monday last (ther having been a tumult the night before), my Lord Chancellar called all the councellours in town, and others of the

(1) [Aberdeen.]

nobility, to Halyroodhous; and after he had spoken with them went away towards Drumond, having with him about ten gentlemen of his own freinds and forty militia hors. That night he went to the Earl of Callendars hous of Almond between Linlithgow and Falkirk. And in this place,[1] after he was gone on the Mondays night, ther was a terrible tumult and his lodgings rifled intirelie; and all thes of the Roman persuasion wer used in the sam maner, even old Lady Margaret Hay, Lady Lucie Hamilton, Mr Andrew Hay, the Laird of Niddrie *etc.* And towards the morning they cam to Blairs lodging and ruined everything within the hous, brak his cabinetts to shivers, treated his children very barbarouslie, and brunt his papers, in the floor of one of his rowms, and all other papers they got. Himself and his lady had withdrawn, and now he is out of town and his family to follow. I was fullie of your ladyships mynd as to my lords being heir, but it was both the Kings service and my Lord Chancellars securitie that he should stay; and though in resisting of tumults thers much of danger and litle honour to be won, as your ladyship sayes very right, yet even that danger cannot at some tymes by persons of quality be weel declyned. However, now my lord is on his way towards your ladyship, yet going by Drummond; which is the reason I have troubled yow with this account becaus himself thought the post would be at Aberdeen before him. As to the particular in your ladyships lettre I cannot in the disorder wee ar now in give any ansuer, for I was adwysed the last night not to keep my own hous, and so both wyffe and bairns went with me to seek our lodging elswher. . . . . So wishing God to comfort your ladyship for this afliction of your dearest and nearest friends I shall ad no mor . .

Leith 12 December 1688 at half an hour after twelve at quhilk tym my lord took boat with a fair wind.

XI.

J. HAY TO JOHN TWELFTH EARL OF ERROLL.

My Lord

On Sunday last the thirty-first of March, imediatlie after the foirnoons sermon, which was preacht in the High Kirk by the Bishop of

(1) [Edinburgh.]

Murray,[1] the President of the Session[2] going home discoursed all the way with his brother Lord Castlehill[3] and some other freinds about the sermon, and that it was his admiration how he had nevir heard tell of so excellent a preacher before. At his closs head his brother took leav of him, and Daniell Lockhart was with him, when one Cheislie of Dalry (in whose affair about a difference betuixt him and his wyffe he had bin an arbiter, and had determined most justlie according to the opinion of all knowing men), coming in behind the President, before Daniell Lockhart, at the entrie of the closs head foirnent Peirsons turnpyk, he with a pocket rifald pistoll shot the President in at the back on the right syd, and the bullet came out before beneath his stomack toward the left syd, wherby he was killed dead, and carried home. The murderer was seized on, and taken to the guard, and afterward to prison. On Monday the Convention or Meeting of the Estates was called extraordinary, and gave comission to six of their number, Mr David Drummond, and me, and the Magistrats of Edinburgh to torture judge and try him. But wee thought wee could not medle without prejudging your priviledges, and thairfor with all discretion (least it should have interupted the tryall of so execrable a murder), made a protestation in the terms of the inclosed paper.[4]

So fell that great man who was your lordships particular freind; and his death is, not only a nationall loss, but extremlie to be regrated for the maner of it.

The murderer is sentenced this day to be drawn in a hurdle from the tolbuith to the scaffold at the cross, there his hand is to be cut off alyve; then to be hanged, and his body hung in chains at the Gallow Lee, his hand to be affixt on the West Port.

Edinburgh 3 April 1689.

(1) [Dr. William Hay, according to Bishop Keith, descended of the family of Park; according to another account, "son to Mr. William Hay, succentor of Aberdeen." Erroll MS. The same authority adds, that "though he maintained his just authority over his clergy, yet he was of a very mild and gentle temper, loving neither to persecute papists nor presbyterians. So he neither approved of the rigor of the penall laws against the one, nor allowed his clergy over much to vex the other; and they having once asked him 'What then shall we do? for the schismatick preachers will prevail,' he answered, with much earnestness, 'Excel them in life and doctrine.' Having been ill of the palsy many years, he went to Bath for cure, but without success; so that returning home, he dyed at Inverness, at the age of sixty, March the ninth, 1707, and is buried in the church there, where his tomb is yet seen."]

(2) [Sir George Lockhart of Carnwath.]

(3) [Sir John Lockhart of Castlehill, one of the Senators of the College of Justice.]

(4) [This paper has not been found in the archives at Slains.]

XII.

—— CONE TO JOHN TWELFTH EARL OF ERROLL.

Paris the 26 Octobre 1690

Rycht Honorable

I can not say, my lord, that anie of my former letters cam saife to your lordships hands, since I neuer had the least returne; and tho this be a uerie unseasonable tym for writting, since the ordenarie commirce dis not goe on as formerly: yet necessetie oblidges us, in thir hard tyms, to find out some by way, to make our present condition knowne to our friends, as I doe now to your lordship with my best respects; begging that your goodnes may extend itself now towards your poore seruents, for that litle anuel rent which is yearly due to me upon a part of your lordships estat; wherof there is some arrieres, besyds the yeare current deu at this terme of Mertimes, which my cousin the laird of Balquhyn can make bettir knowne then I, to whom I haue sent a generall discharge and acquittence for all bygons, untill this uerie tearme; which showes the trust and confidence I haue in you bothe, as persons of honor and justice that will doe noe bodie wrong. The only motiue I can bring to your lordship to doe me this fauor is the ancient connection of friendshippe that passed betuixt that honorable and worthie persone of glorious memorie Francis Erle of Arroll, and old Patrick Conne of Achray, my grand father; and euir since we haue bene most noble familie, wherof your lordship is now become the chiefe and head, as the true and lawfull successor, and I beliue we had some particular relation to your familie besyds, from the house of Eslemont, but this I can not affirme parfitly, it being soe manie years since I cam from home. Whowsoeuir I expect your lordships kyndues, and that you will doe me, nor myn, noe wrong. I am now too old myself to offer my seruice, but since it hes pleased God to giue me three boyes, on of them shall be allotted to be a seruent to you and your familie at home: if God send us more happie and more peaceable tyms, that honest [men] may liue upon their awne, my thoght is to satle one of my children there, under your lordships fauorable protectione. This is my earnest wishe that all discords may be takne away, and that we may serue God, king, and countrie with freedome and peace. I can say noe more at present, but the duty and

respects of this poore familie to your lordship, your noble ladie, and all yours, as being

My Lord,
Your most humble and most obedient true seruent
CONNE.

For the Richt Honourable Lord,
The Erle of Arroll
Lord Hie Constable of Scotland.

XIII.

J. HAY TO THE COUNTESS OF ERROLL.

Madam

I was sorie to hear of your ladiships indisposition, but I hope the nixt shall bring ws better news.

As to the town of Edinburghs seeking an inlargement of their priviledges, I can learn of nothing but extension thereof as to the bounds; for they design to build on the other syd of the Nore Loch, and to cast a bridge of stone over it, and to inclose that new tane in ground with a wall, and they would have the priviledges they now enjoy to be extended to that enclosure als weill as they ar within the present precincts of the town. If any other thing be sought wherin my lord is concerned I shall advert to it.

As to Lady Marys(1) woman, the design was that she might be capable to teach musick and dancing to the young ladies at home, as I think trulie she may be; but seing your ladiship is displeased with it, ther shall be no more of it.

The Lady Blair is now weel recovered, and Lady Mary proffeits wonderfullie at every thing thats taught her, so that it seems strange to me my lord should take her away before the spring; and your ladyship would be pleased to deall with my lord in it ffor the Lady Blair is most earnest to have her stay, and the tyme she hes bin at schooles will be lost if she goe away so soon.

The moon having changed yesternight which brings the stream tyd, the

(1) [The Countess' eldest daughter, the Lady Mary Hay, afterwards, in her own right, Countess of Erroll.]

convoy is to saill on Thursday being tomorrow. So Mr David Drumond and I ar to goe to Burntiland this day to wait on the Earl of Perth, who is expected ther this night, and to goe in a merchant ship. The delay that was given till the tent of October he would by no means accept of, so that wee wer forced to apply to the Chancellar[1] and the rest of my lords freinds, that he might have leave to goe with the first convoy as before, and it was granted. My lord Duke Hamilton is to be in town on Fryday, and both he and my lady Dutchess ar said to be going for court nixt week.

I opened the inclosed to see if ther wer any news, that I might wryt them to the Earl of Perth, becaus as your ladiship formerly allowed this, so I humbly conceiv my Lord Hay[2] will doe the lyke. Ther ar no other news.

Edinburgh 20 September 1693

XIV.

SIR SAMUEL FORBES OF FOVERAN TO JOHN TWELFTH EARL OF ERROLL.

My Lord

It belongs to me to attend your lordships dyett and whatever tyme you finde convenient to appoynte; so whether Tuesday or Wednesday or Thursday, I will not weary whill I foster the hopes of having the honour to see your lordship. Only the commission expyres on Frydaye and I hope your lordship would be loath that I should lose the opportunity of vindicating the just right I have when it is so shrewdly attacqued and lykewayes your lordships titles theirthrough, as you saw by the depositions. I have the mapp in readiness and entertaynes a due sense of my Lady Erroll's and Lady Mary's goodness in directing Charles Whyte to come to Foveran and affoording him materials for the delineation. I confide in your patrociny and favour in this matter only because my plea is juste and I the innocent defender in the process. Your lordship hath been allwayes oblidging to me and I am both bound and resolved so long

(1) [John, first Marquis of Tweeddale.]

(2) [Her ladyship's son, Charles, afterwards thirteenth Earl of Erroll.]

as ffish swimme in the salt sea, or mussils grew in Ythan, to honour love and serve your lordship, and now ouly adds that I am my lord

Your lordships most humble obedient
and faithful servant
SAM: FORBES.

Savock 5 May 1700.

XV.

ROBERT DOUGLAS BISHOP OF DUNBLANE TO JOHN EARL OF ERROLL.

August 26 1701

My Noble Lord

I receaved the honor of your lordships leter in favours of Mr Barclay student of divinity, who purposes to follow the caling of the holy ministry and for that end to be entred in sacrat ordors. I am willing to give all the incowragement I can to such weale designing honest persones, and so much the more when your lordship is pleased to interpose, being most wiling to shew myself reddie to serve your lordship according to my power. But non can be put in ordors till first they be examined and tryed as to ther good conversatione and literatur, befor they be prefered to sacrat ordors; therfor it is simply necessary, that he offer himselfe to tryell before some godly orthodox ministers, who if they can testifie of him, as one qualified for that promotione, I shall be willing to doe what I can for his furtherance. I wish God may bles your lordship and your noble family with the blessings of this lyfe and that to come, and may reward your lordships kindnes for the incowragement a persecut orthodox clergie have from yow

My Lord
Your lordships most humble oblidged
and affectionat servand
RO: DUNBLANEN

My Lord, I delivered to Bishop Drummond my successor to Brichan (who dyed in your lordships family) a manuscript thick booke relaiting to

the interest and rights of that bishopricke: it war necessary that booke be preserved.

To the Right Honourable
The Earl of Erroll.

XVI.

ANDREW FLETCHER OF SALTOUN TO CHARLES THIRTEENTH EARL OF ERROLL.

Edinburgh Wedensday

My Lord

I told you always that you keept ill company, but 'twas to no purpos. And now you see the fruits of it. 'Tis not R. Mory's I mean when I say so. As for that affair we can not understand the J. C.'s civility if the D. of M. was ignorant of the orders from S. H. nor can any body but I understand the D.'s hospitality *etc.* faith if he did. Your man tells me that you are not to come to town, tho you made me hope that the first time you came south I should have the honor to see you at Salton; but it seems the town is so near the castel, and S. so near the J. C. I would have waited upon you, and the noble lord with whom you are, but that your man tells me that at two a cloake you go for Kinel; and that I do not care to be involved in the appearances of a plot which I belive some people are as industriously seeking, as by goings and comeings among such considerable men in the country (which makes always great noise) you are affording them the pretences. I am

My lord
Your lordships most obliged and humble servant
A Fletcher

To the right honourable
The Earle of Errol
Lord High Constable of Scotland.

IV. Charters and Miscellaneous Papers.

I.

CARTA REGIS WILLELMI DE HEROL ·

· Willelmus · Dei gracia Rex Scottorum · episcopis · abbatibus · comitibus · baronibus · justiciariis · vicecomitibus · et omnibus probis hominibus tocius terre sue clericis et laicis · Salutem · Sciant presentes et futuri me dedisse et concessisse et hac carta mea confirmasse · Willelmo de Haia · Herol · per suas diuisas rectas · cum omnibus iustis pertinenciis suis · in boscho et plano · pratis et pascuis · moris et maresiis · aquis et piscariis · stagnis et molendinis · et ceteris aliis iustis pertinenciis · Tenendam sibi et heredibus suis de me et de heredibus meis · in feudo et hereditate · libere et quiete · plenarie et honorifice · Cum socco et sacca · cum tol · et them · et infangenthef · per seruicium duorum militum · Quare uolo et firmiter precipio · vt predictus Willelmus et heredes sui prenominatam terram teneant et possideant · de me et de heredibus meis · ita libere · et quiete · et honorifice · et plenarie · sicut alii barones mei liberius · et quiecius · et honorificencius feuda sua de me tenent · Teste David fratre meo et hoc idem concedente · Testibus · Hugone episcopo Sancti Andree · Comite Waldeuo · Comite Dunecano · Comite Gileberto · Comite Malcolmo · Ricardo de Mornill constabulario · Alano dapifero · Waltero Olifard · Roberto de Quinci · Johanne de Vallibus · Waltero de Berkelai · Roberto de Berkelai · Radulfo D .... Ricardo de Munfichet · Roberto de Landeles · Hugone Ridel · Philippo de Valoniis · Roberto de Bosevill · Apud Cloynin ·

II.

CARTA REGIS WILLELMI DE THOFTO IN FORFAR ·

· Willelmus · Dei gracia Rex Scottorum · Omnibus probis hominibus tocius terre sue clericis et laicis · Salutem · Sciant presentes et futuri me

dedisse · et concessisse et hac carta mea confirmasse Willelmo de Haia unum plenarium thoftum in burgo meo de Forfar · Tenendum sibi et heredibus suis de me et heredibus meis in feudo et hereditate · ita libere quiete · plenarie · et honorifice · sicut aliquis baronum meorum aliquid thoftum in aliquo burgorum meorum · liberius · quiecius · plenius · et honorificencius tenet et possidet · Testibus · Hugone cancellario meo · A · abbate de Dunfermelyn · Willelmo de Ueteri Ponte · Willelmo Cumin · Willelmo Giffard · Hugone de Caledour · Herberto marescallo meo · Apud Forfar ·

III.

CONFIRMACIO REGIS WILLELMI SUPER DONACIONE WILLELMI DE HAYA DE EDIRPOLLIS ·

Willelmus Dei gracia Rex Scottorum · Omnibus probis hominibus tocius terre sve clericis et laicis Salutem · Sciant presentes et futuri me concessisse et hac carta mea confirmasse Deo et ecclesie Sancte Marie de Cupre et monachis ibidem Deo seruientibus et seruituris · donacionem quam Willelmus de Haya fecit prenominatis monachis de Cupre de terra de Ederpoles tenendam in liberam et perpetuam elemosinam · ita libere et quiete · plenarie et honorifice · sicut carta predicti Willelmi testatur · Saluo seruicio meo · Testibus · Jocelino Glasguensi episcopo · Ricardo Morauiensi episcopo · Comite Dunecano justiciario · Comite Gileberto de Strahern · Philippo de Valoniis · Alano filio Walteri dapifero · Willelmo de Moruill · Bernardo filio Briani · Willelmo filio Thore · A p v d Stri ve l y r];

IV.

CARTA REGIS WILLELMI DE HEROL ·

Willelmus · Dei gracia Rex Scottorum · episcopis · abbatibus · comitibus · baronibus · justiciariis · vicecomitibus · prepositis · ministris · et omnibus probis hominibus tocius terre sue clericis et laicis Salutem · Sciant pre-

sentes et futuri me concessisse et hac carta mea confirmasse · David de Haia filio Willelmi de Haia · Herol · per rectas diuisas suas et cum omnibus iustis pertinenciis suis · Tenendam sibi et heredibus suis de me et heredibus meis in feudo et hereditate · in boscho et plano · in terris et aquis · in pratis et pascuis · in moris et maresiis · in stangnis et molendinis · in viuariis et piscariis · et omnibus aliis ad predictam terram iuste pertinentibus · Cum socco et sacca · cum furca et fossa · cum tol · et them · et infangenthef · libere et quiete plenarie · et honorifice per seruicium duorum militum · Quare uolo et firmiter precipio · vt prefatus David et heredes sui prenominatam terram de Herol · teneant · et possideant de me et heredibus meis ita libere et quiete · plenarie · et honorifice · sicut alii barones mei feuda sua liberius · quiecius · plenius · et honorificencius tenent · et sicut carta mea patri suo facta testatur · Testibus · Jocelino Glasguensi episcopo · Hugone cancellario meo · Radulfo · Waltero · capellanis meis · Comite Patricio · Comite Dunecano · Willelmo de Moruill constabulario · Roberto de Quinci · Philippo de Valoniis camerario · Alano filio Walteri dapifero · David de Valoniis · Henrico de Graham · Roberto de Landelis · Thoma Tancard · Ada filio Gilleberti · Willelmo Flandrensi · Thoma de Uilla Colbani · Rogero de la Kerneil · Herberto marescallo · Apud Jedwurde · xvij · die Septembris ·

V.

CARTA REGIS ALEXANDRI DE HEROL ·

Alexander · Dei gracia Rex Scottorum · episcopis · abbatibus · comitibus · baronibus · justiciariis · vicecomitibus · prepositis · ministris · et omnibus probis hominibus tocius terre sue · clericis · et laicis · Salutem · Sciant presentes et futuri · me concessisse · et hac carta mea confirmasse · David de Haya filio Willelmi de Haya · Herol · per rectas diuisas suas · et cum omnibus iustis pertinenciis suis · Tenendam sibi et heredibus suis · de me et heredibus meis · in ffeodo et hereditate · in boscho et plaño · in terris et aquis · in pratis et pascuis · in moris et maresiis · in stagnis et molendinis · in viuariis et piscariis · et omnibus aliis ad predictam terram iuste pertinentibus · cum socco et sacca · cum furca et fossa · cum tol · et them ·

et infanganethef · libere · et quiete · plenarie et honorifice · per seruicium duorum militum · Quare volo et firmiter precipio · vt prefatus David et heredes sui prenominatam terram de Herol · teneant et possideant · de me et heredibus meis · ita libere et quiete plenarie et honorifice · sicut alii barones mei feoda sua liberius et quiecius · plenius et honorificencius tenent · et sicut carta domini Regis Willelmi patris mei inde facta Willelmo de Haya · patri predicti David · et confirmacio eiusdem domini Regis inde facta eidem David de Haya · testantur · Testibus · Willelmo de Boscho cancellario meo · Willelmo de Valoniis camerario meo · Philippo de Mubray · Willelmo de Munifichet · Johanne de Morauia · Waltero Cumyn · Roberto de Saincler · Apud Cloinyn · Quinto die Marcii ·

VI.

CONFIRMACIO COMPOSICIONIS SUPER TERRA DE ECCLESDOUENAUIN ET ECCLESIA DE EROL ·

Alexander · Dei gracia Rex Scottorum · Omnibus probis hominibus tocius terre sue · clericis et laicis · Salutem · Sciant presentes et futuri me concessisse · et hac carta mea confirmasse · amicabilem composicionem factam apud Forfar · in presencia domini Regis Willelmi patris mei · et in plena curia sua · inter Willelmum episcopum Sancti Andree · et David de Haya · super controuersiis que uertebantur inter eos super terra de Ecclesdouenauin · et iure patronatus ecclesie de Erol · Quare volo et firmiter precipio · vt predicta amicabilis composicio sicut inter eos facta est · firmiter teneatur · et inuiolabiliter obseruetur · sicut cyrographum inter eos inde factum · et confirmacio domini Regis Willelmi inde facta predicto David de Haya testantur · Saluo seruicio meo de predicta terra · Testibus · Willelmo de Boscho cancellario meo · Willelmo de Valoniis camerario meo · Philippo de Mubray · Willelmo de Munifichet · Galfrido filio Ricardi · Johanne de Morauia · Waltero Cumin · Roberto de Saincler · Apud Cloinyn · v^to · die Marcii ·

VII.

CARTA DAUID DE HAYA MONACHIS DE CUPRE CONCESSA ·

Omnibus sancte matris ecclesie filiis hanc cartam visuris uel audituris presentibus et futuris · Dauid de Haya salutem in Domino · Nouerit vniuersitas uestra me pro anima pie memorie Regis Willielmi · et pro anima Willielmi de Haia patris mei · et Ethue sponse [eius] · et pro salute anime mee · et Elene uxoris mee · et heredum meorum et omnium antecessorum et successorum meorum · voluntate et consensu Gilleberti heredis mei · dedisse concessisse et hac mea carta confirmasse Deo et ecclesie Beate Marie de Cupre · et monachis ibidem Deo seruientibus · Vnum rete super matricem aquam de Thei · ubi melius elegerint et sibi utilius iudicauerint · quociescunque et ubicunque cum predicto reti piscari voluerunt inter Lornyn et diuisam Randulfi de Haya · Et heremitagium integre quod Gillecmichel quondam Heremita tenuit · cum tribus acris terre iuxta idem heremitagium iacentibus · et cum omnibus aisiamentis quibus dictus Heremita circa heremitagium usus est · Et vnum chair ad retractum supra predictam aquam et infra predictos limites ubi sibi magis expedire viderint · Saluis piscariis meis · scilicet · chairis meis · Hanc autem donacionem ego et heredes mei warantizabimus contra omnes homines predictis monachis . Tenendam de me et heredibus meis in puram et perpetuam elimosinam · ita libere et quiete · plenarie et honorifice · sicut aliqua elimosina in regno Scocie liberius quiecius plenius et honorificencius · aliquibus uiris religiosis data · tenetur uel possidetur · Hiis testibus · Roberto et Malcolmo fratribus meis · Andrea persona de Inchethor · Thoma Givan milite · Thoma clerico de Ardinch · Balduino de Lornyn · Ada Walleis · Ada de Kamerun et multis aliis ·

VIII.

CARTA REGIS ALEXANDRI DE DRONLAY ·

Alexander Dei gracia Rex Scottorum · Omnibus probis hominibus tocius terre sue Salutem · Sciatis nos concessisse et hac carta nostra con-

firmasse donacionem illam quam Willelmus comes de Mar fecit Gilberto de Haya de tota terra sua de Drunlav · Tenendam et habendam predicto Gilberto et heredibus suis de prefato comite et heredibus suis adeo libere · quiete · plenarie et honorifice · sicut carta dicti comitis predicto Gilberto exinde confecta plenius iuste testatur · Saluo seruicio nostro · Testibus · W · Cumyn comite de Meneteth · Alano Hostiario justiciario Scocie · Johanne de Bayol et Roberto de Meyners camerario · Apud Schon · vicesimo sexto · die Julij · Anno regni domini Regis tercio ·

IX.

CONUENCIO INTER ABBATEM DE SANCTA CRUCE ET DOMINUM GILBERTUM DE HAYA SUPER TERRA IN UILLA DE EGLISBANYN ·

Anno gracie · m · cc · lviij · ad Pentecosten ita conuenit inter Radulfum Dei gracia Abbatem de Sancta Cruce et eiusdem loci conuentum ex vna parte · et dominum Gilbertum de Haya militem ex altera · videlicet · Quod dicti Abbas et conuentus dimiserunt ad feudofirmam dicto Gilberto totam terram suam cum piscaria quas habent in villa de Egclisbanyn ex dono domini David quondam patris dicti Gilberti · Tenendam et habendam sibi et heredibus suis ut dictum est ad feudofirmam in perpetuum · Reddendo singulis annis dictis abbati et conuentui dimidiam marcam argenti ad Pentecosten · et notandum quod si contigerit abbatem pro defectu solucionis aliquem nuncium ibidem mittere dictus Gilbertus uel heredes sui dicto nuncio eundo et redeundo in expensis respondebunt · In cuius testimonium vni parti istius scripti in modum cirograffi confecti sigillum eorum conuentuale est appensum · alteri uero sigillum domini Gilberti apponitur ·

X.

DE ROSSICLERACH ·

Omnibus presens scriptum visuris uel audituris Johannes de Inchesirych eternam in Domino salutem · Nouerit vniuersitas vestra me

dedisse concessisse et hac presenti carta mea confirmasse Domino Gilberto de Haya et heredibus suis uel eorum assignatis totum ius meum et dominium que habui uel habere potui in tota terra de Rosinclerach cum omnibus pertinenciis · scilicet · in redditibus · homagiis · wardis · releuiis · eschaetis et in omnibus aliis libertatibus que mihi uel heredibus meis aliquo tempore aliquo casu accidere poterint · Tenendum et habendum de me et heredibus meis sibi et heredibus suis uel eorum assignatis · libere · quiete · honorifice · et plenarie in omnibus et per omnia sicut scriptum est · Reddendo inde annuatim michi et heredibus meis vnam libram cymini uel duos denarios ad Assumpcionem Beate Marie Virginis pro omni seruicio · consuetudine exaccione et demanda et pro omnimodis auxiliis ad me uel heredes meos pertinentibus · Ego vero Johannes et heredes mei omnia superius scripta sicut prenotatum est predicto domino Gilberto et heredibus suis uel eorum assignatis contra omnes homines et feminas warantizabimus acquietabimus et defendemus in perpetuum · Hiis testibus · Domino Willelmo comite de Marr · Domino Halano Hostiario · Domino Malcolmo de Morauia · Domino Johanne Cambruyn · Domino Alexandro de Inchemartin · Domino Willelmo de Haya · Domino Johanne de Fentuyn · Domino Matheo de Muncrephe militibus et aliis ·

XI.

DE ACHEMORE ·

Omnibus hoc scriptum visuris vel audituris · Rogerus filius Baudrys salutem in Domino · Noueritis me in magna et vrgentissima neccessitate mea propter vite mee sustentacionem vendidisse domino meo Nicholao de Haya pro quadam summa pecunie quam mihi pro manibus pacauit illam particulam terre mee in territorio de Achemor · que iacet inter illam acram terre que pertinet ad molendinum de Achemor ex occidentali parte · et bouatam illam terre quam dedi abbati et conuentuj de Cupro caritatiue · Tenendam et habendam dicto domino meo Nicholao et heredibus suis a me et heredibus meis in perpetuum · Ita videlicet quod ego et heredes mei liberi erimus et quieti ab omnibus seruiciis et demandis que a predicto domino meo Nicholao et heredibus suis racione dicte terre

vendite exigi poterunt vel exigi consueuerunt · excepto · quod de cera annua scilicet de duabus petris cere quam ego antecessoribus dicti Nicholai annuatim reddere consueui · de cetero ego et heredes mei dicto domino meo Nicholao et suis heredibus respondebimus in perpetuum · In cuius rei testimonium presenti scripto sigillum meum apposuj · Testibus · Domino Thoma Dei gracia Abbate de Lundoris · et Domino Johanne eiusdem loci priore · Dominis Johanne de Fentun et Willelmo de Haya militibus · Roberto de Haya · Malcolmo senescallo et aliis ·

XII.

DE LE GALUFLATIS ·

Omnibus hanc cartam visuris uel audituris Johannes de Hynches eternam in Domino salutem · Nouerit vniuersitas vestra me per assensum et consensum David fratris mei dedisse concescisse et quietum clamasse et hac carte mea confirmasse domino Nichol de Haya et heredibus suis de me et heredibus totam terram meam de Galuflat in tenemento de Erole quam tenui de dicto domino Nichol per cartam quam reddidi dicto domino Nichol cum toto iure meo quod habui uel habere potero in dicta terra de Galuflat · Tenendam et habendam dicto domino Nichol et heredibus suis adeo libere quiete pacifice et honorifice sicut ego dictam terram de dicto domino Nichol tenui uel possedi · In cuius rei testimonium presenti carte sigillum meum vna cum sigillo David fratris mei est appositum · Hiis testibus Domino Nichol Dei gracia Abbate de Lundors · Domino Laurencio rectore ecclesie de Sancto Madoco · Domino M · rectore ecclesie de Erole · Domino Waltero de Montefixo · Domino J · capellano · et multis aliis ·

XIII.

DE MONYECHY ·

Omnibus hanc cartam visuris uel audituris Emma filia quondam Roberti Byboyis eternam in Domino salutem · Noueritis me pro me et heredibus

meis dedisse concessisse ac quietum clamasse domino Nicholao de Haya domino de Eroll totam partem meam cum pertinenciis me contingentem hereditarie seu me contingere valentem tocius terre de Monyecky in posterum · pro suo subsidio et honesta sustentacione michi exhibitis in arcta mea necessitate · Tenendam et habendam sibi et heredibus suis de domino Rege Scocie et heredibus eiusdem adeo libere · et quiete · plene · et honorifice sicut ego aut antesessores mei dictam terram tenuimus et possidebamus · faciendo inde ipse et heredes sui debita seruicia et consueta que de dicta terra fieri solebant seu reddi · In cuius rei testimonium presentem cartam munimine inpressionis sigilli mei roboraui · Hiis testibus dominis Alexandro de Lambertoun tunc vicecomite de Forfar · Roberto de Betoun · et David de Betoun · militibus · Henrico de Prestoun · Johanne de Adloht · Laurencio de Lecachy · Roberto Dog · et aliis·

XIV.

DE INCHESIRECH ·

Omnibus hanc cartam visuris uel audituris · Willelmus de Fentoun · miles · eternam in Domino salutem · Noueritis me dedisse concessisse et hac presenti carta mea confirmasse domino Nichol de Haya · domino de Erol · duos toftos · et duas acras terre · cum piscaria vnius retis super aquam de Tay · apud Inchesyrech · quas quidem duas acras terre · cum duobus toftis · et piscaria · quondam Johannes de Inchesyrech dedit quondam domino Johanni de Fentoun patri meo · et heredibus suis · Dedi eciam et concessi · et hac presenti carta mea confirmaui · eidem domino Nichol de Haya domino de Erol · viginti et duos solidos · annui redditus in denariis · quos quondam pater meus et ego recipere solebamus et debebamus de dicto quondam Johanne de Inchesyrech et heredibus suis singulis annis · in terra que vocatur · Galuflat · Tenendas et habendas predictas duas acras terre · cum duobus toftis et piscariam · cum dictis viginti et duobus solidis · cum omnibus iustis pertinenciis suis · et aysiamentis · predicto domino Nichol de Haya domino de Erol · et heredibus suis · de dominis capitalibus de Inchesyrech · qui pro tempore fuerint · adeo libere · et quiete · plenarie · et honorifice sicut quondam pater meus uel ego dictas duas acras terre · cum duobus toftis · et piscariam cum

dictis viginti et duobus solidis · aliquo tempore tenuimus et possedemus · Et ut hec mea donacio et concessio perpetuum robur optineat presentem cartam sigilli mei munimine roboraui · Hiis testibus · dominis Radulpho de Lascellis · Johanne de Haya · Roberto de Haya · militibus · Gilberto de Haya · Willelmo de Vallibus · et multis aliis ·

XV.

DE KYNSPINEDY ·

Omnibus hoc scriptum visuris uel audituris Malcolmus de Kinspinedy filius et heres Radulphi de Kinspinedy salutem in Domino sempiternam · Nouerit vniuersitas vestra me dedisse concessisse · et hac presenti carta mea confirmasse · Domino Nicholao de Haya militi domino de Erole totam terram meam de Kynspinedy · cum omnibus pertinenciis · iuribus · libertatibus · et aysiamentis · Tenendam et habendam predicto domino Nicholao et heredibus suis · de venerabile patre domino meo capitale Domino Willelmo Fraser Dei gracia episcopo Sancti Andree · et suis successoribus . . . Faciendo inde forinsecum seruicium · et omnia alia seruicia debita et consueta que pertinent ad dictam terram · Et reddendo annuatim ipse dictus dominus Nicholaus et heredes sui predicto domino episcopo et suis successoribus pro dicta terra quindecim solidos argenti · pro omnibus aliis seruiciis . . . . Hiis testibus · dominis Henrico de Dundemor · Johanne de Morauia · Radulpho de Lascelis militibus · dominis Petro de Campanya · Ricardo de Tyningham · Hugone de Selkirk · clericis · Hugone de Louchoris tunc vicecomite de Fiffe · Johanne de Balcasky · Willelmo de Abircrombyn · Johanne de Camboc · Hugone de Haya · Alexandro de Lambirton · Galphrido de Forscley · et multis aliis ·

XVI.

DE DRONLAUY ·

Omnibus hoc scriptum visuris uel audituris · Douenaldus comes de Marr salutem in Domino · Nouerit vniuersitas uestra me dedisse · conces-

sisse et hac carta mea confirmasse · domino Nicholao de Haya consanguineo meo pro homagio et seruicio suo totam terram meam in tenemento de Dorlaw · quam dominus Willelmus pater meus quondam dedit domino Roberto Boyrn sine aliquo retenemento · Tenendam et habendam predicto domino Nicholao et heredibus et heredibus suis de me et heredibus meis in feodo et hereditate per easdem diuisas · per quas dictus dominus Robertus Boyrn dictam terram tenuit et possedit cum omnibus iustis pertinenciis suis · in bosco · et plano · in pratis · et pascuis · in moris · et maresiis · in stagnis et molendenis · in lacubus · et piscariis · in viis · et semitis · et cum omnibus libertatibus et aysiamentis ad predictam terram iuste pertinentibus uel pertinere ualentibus adeo libere · et quiete · pacifice · et plenarie · ac honorifice · sicut aliquis comes alicui militi aliquam terram · liberius · quiecius dare poterit in regno Scocie · Faciendo inde ipse et heredes sui de dicta terra · forinsecum seruicium domini Regis in exercitu Scoticano quantum pertinet ad tantam terram pro omni seruicio exaccione et demanda · Ego uero Douenaldus comes de Marr et heredes mei dicto domino Nicholao et heredibus suis predictam terram contra omnes homines et feminas inperpetuum warantizabimus et defendemus · Hiis testibus · venerabilibus patribus dominis Hugone et Andrea de Scona et de Cupro abbatibus · dominis · Michaele Scoto · Willelmo de Haya de Lochweru · Ada de Retref · et Willelmo Gurlay militibus · Dauid de Rothenach · Willelmo Brun et multis aliis ·

XVII.

DE VARENA LIBERA OMNIUM TERRARUM ·

Johannes Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue salutem · Sciatis quod concessimus Nicholao de Haia militi vt ipse et heredes sui habeant et teneant terras suas · de Erol · Inchesirech · Kinspinedi · Dronlawe · Pethponti · Gaskingrai et de Fossewy · in liberam warrennam · Quare firmiter prohibemus ne quis in eisdem terris siue licencia ipsius Nicolai aut heredum suorum · speciali · secet · aucupet · aut venetur super nostram plenariam forisfacturam · In cuius rei testimonium presentibus sigillum nostrum apponi fecimus · Testibus Johanne Comin

comite de Bouhan et constabulario Scocie · Johanne Comin · Alexandro de Balliolo camerario Scocie · Patricio de Graham · Johanne de Soules · et Waltero de Lindesei · militibus · Apud Lundors primo die Augusti · Anno regni nostri secundo ·

XVIII.

PRECEPTUM SAYSINE TERRE DE RASAW DOMINO NICHOLAO DE HAYA ·

Johannes Cumyn Comes de Buchan et Constabularius Scocie Henrico de Prestoun dilecto et fideli balliuo suo de Heryoth salutem · Quia dominum Nicholaum de Haya · dominum de Erol dilectum consanguineum nostrum · in viginti marcatis terre hereditarie in terris de Garwocc · et Leuedeseth in tenemento de Heryoth infeodauimus · quas sibi minus debere sufficere consideramus · volentes igitur illam donacionem nostram eidem augmentare · tibi firmiter mandamus et precipimus quatenus saysinam terre de Rasaw eidem domino Nichalao faciatis et eundem in possessionem eiusdem ponatis ita quod habeat viginti libratas terre · secundum tenorem carte nostre quam habet super hoc de nobis · In cuius rei testimonium has literas nostras tibi mittimus patentes · Datum apud Abbathiam de Dulci Corde in Galwyidia proximo die Veneris post Dominicam qua cantatur *Quasi modo geniti* · Anno gracie m° · cc° · Nonagesimo sexto ·

XIX.

CARTA DAUID DE INCHESYRECH DE ROSSYCLERACH ·

Omnibus hanc cartam visuris uel audituris Dauid de Inchesyrech frater quondam Johannis de Inchesreych / salutem in Domino sempiternam · Noueritis me relaxasse et omnino quietum clamasse pro me et heredibus meis in perpetuum domino Nicholao de Haya domino de Erol et heredibus suis uel assignatis · totum ius et clameum quod unquam habui uel quod unquam

habere potui in toto tenemento de Rossyclerach cum pertinenciis . . . . . In cuius rei testimonium presenti carte sigillum meum apposui · Hiis testibus · domino · A · Dei gracia abbate de Cupre · dominis Roberto de Cambrun de Balgligirnauch · Radulpho de Lasceles et Roberto de Haya militibus · domino Mauricio rectore ecclesie de Erol · Johanne de Inchemartyn · Willelmo de Monte Fixo et multis aliis ·

XX.

CONUENCIO FACTA DE CERTIS DEBITIS RECUPERANDIS · INTER DOMINUM NICHOLAUM DE HAY · ET WILLELMUM ALD BURGENSEM DE PERTH ·

Anno gracie m° ccc° · secundo · die Dominica in octavis Sancti Martini · Apud Dronlav facta est hec conuencio inter dominum Nicholaum de Haya dominum de Eroll ex parte vna et Willelmum dictum Ald filium quondam Johannis dicti Ald burgensem de Perth ex altera · videlicet quod ipse dominus Nicholaus interponet curam suam et diligenciam necnon fidele suum posse dabit et consilium eidem Willelmo ad perquirendum et extorquendum de suis debitoribus debita que dicto quondam Johanni Ald et eidem Willelmo racione eiusdem debentur · ita quod ipse dominus Nicholaus precipiet et habebit pro auxilio suo et labore tam terciam partem omnium dictorum debitorum de dictis debitoribus recuperatorum seu recuperandorum quam terciam partem tocius debiti in quo dictus dominus Nicholaus eisdem quondam Johanni et Willelmo dicto Ald aliquatenus tenetur · Et si contingat quod per mortem seu paupertatem aliquorum debitorum dicta debita integre nequeant recuperari nec de dictis extorqueri debitoribus propter quod dictus dominus Nicholaus totam terciam partem dictorum debitorum sibi in forma prescripta fideliter promissam recuperare seu habere non poterit · dictus Willelmus ult · concedit · et fideliter promittit pro se heredibus suis et suis exsequitoribus quod dictus dominus Nicholaus racionabilem habeat allocacionem in duabus partibus tocius debiti in quo dicto defuncto et Willelmo filio eiusdem tenetur pro suo auxilio et labore iuxta visum fidedignorum · Et vt ista omnia et singula in omnibus obseruentur

partes hinc inde fidem prestiterunt corporalem · Et insuper ipse Willelmus subponit se iurisdictioni et cohercioni domini Episcopi Sancti Andree et suorum officialium qui pro tempore fuerint qui possint ipsum Willelmum sine cause quo . . cione seu strepitu judiciali per censuram ecclesiasticam et per sentenciam excommunicacionis de die in diem agrauare si contra istam conuencionem in toto uel in aliquo articulo contingat ipsum deuenire · verumtamen dictus dominus Nicholaus uult concedit et fideliter promittit quod obligacione prcmissa non obstante dictus Willelmus et omnes sibi adherentes quieti sint et absoluti in posterum erga dictum dominum Nicholaum et sibi adherentes si ipse dominus Nicholaus in prosequcione negociorum dicti Willelmi vt premissum est tepidus uel remissus debitis temporibus aut contradicens inueniatur · In cuius rei testimonium parti istius scripti penes dictum dominum Nicholaum residenti ad procuracionem dicti Willelmi vna cum sigillo suo proprio appensa sunt sigilla Mariorie de Moncur domine de Rossy et Micchaelis filii eiusdem · parti vero residenti penes dictum Willelmum appensum est sigillum dicti domini Nicholai ·

XXI.

PRO RELEUIO DOMINI GILBERTI DE LE HAY ·

Releiff of Schyr Gilbert Hayis landis grantit be King Robert in the fourtene yeir of his raigne ·

Robertus Dei gracia Rex Scottorum / Omnibus probis hominibus tocius terre sue · Salutem · Sciatis quod de gracia nostra speciali concessimus Gilberto de Haia militi Constabulario nostro Scocie dilecto et fideli / vt quandocunque de ipso contigerit humanitus / licite valeat condere testamentum suum de releuio omnium terrarum suarum nos contingente · post decessum suum ita quod executores testamenti sui / de dicto releuio · liberam habeant administracionem / sicut de ceteris bonis suis dictum testamentum contingentibus · Quare firmiter prohibemus ne quis contra hanc concessionem nostram executores prefati Gilberti aliquatenus impedire seu vexare presumat / super nostram plenariam forisfacturam · In cuius rei testimonium has literas nostras sibi fieri fecimus patentes apud Dumblan · Octauo die Nouembris / Anno regni nostri Quartodecimo ·

XXII.

DE ROSSICLERACH ·

Omnibus sancte matris ecclesie filiis · Johannes Dei gracia Prior Sancti Andree · et eiusdem loci conuentus · Salutem in Domino · Sciant presentes et futuri · quod cum dudum Walterus Prior Sancti Andree · et conuentus eiusdem loci · dederint et per cartam confirmauerint · Jacobo de Perth · et heredibus suis totam terram de Rossiclerauht · cum omnibus suis iustis pertinenciis · et libertatibus et molendino · Tenendam et habendam · in feodo et hereditate sibi et heredibus suis libere et quiete · ex omni seruicio · consuetudine et exaccione · Reddendo inde annuatim vnum modium vini · ad festum Pentecostes · Quam quidem terram cum pertinenciis · Duncanus heres legitimus ipsius Jacobi · de expresso consensu · et vnanimi voluntate prioris et conuentus Sancti Andree transtulit iure hereditario in dominum Gilbertum de Haya dominum de Erole et heredes suos · Super quibus nos ad plenum legitime certificati pensata vtilitate ecclesie nostre Sancti Andree · habitoque super hoc frequenti · diligenti et solempni tractatu · de vnanimi consensu capituli nostri · et assensu reuerendi patris ac domini nostri · Domini Willelmi Dei gracia episcopi nostri · dictam terram de Rossiclerauht · cum omnibus suis iustis pertinenciis · libertatibus · et aisiamentis quibuscunque ad ipsam terram pertinentibus · seu pertinere valentibus · damus concedimus et per presentem cartam confirmamus pro nobis et nostris successoribus in perpetuum in feodo · et hereditate · domino Gilberto de Haya filio Nicholai de Haya · et heredibus suis · pro fidelitate · consilio · et auxilio · nobis · ecclesie nostre Sancti Andree · et successoribus nostris per ipsum et heredes suos impendendis in perpetuum · Soluendo eciam inde annuatim nobis et nostris successoribus in perpetuum pro modio vini supradicto · et pro omnibus aliis quibuscunque exaccionibus · et demandis · vnam marcam argenti tantum ad festum Sancti Martini in yeme · Salua nobis ecclesia de Rossiclerauht · cum decimis suis omnibus maioribus · et minoribus · et aliis juribus ad ipsam ecclesiam pertinentibus · In cuius rei testimonium sigillum commune capituli nostri · vna cum sigillo reuerendi patris domini nostri · Domini Willelmi Dei gracia Sancti Andree episcopi · presenti carte est appensum · Hiis testibus · Domino Johanne Dei gracia abbate de Cupro ·

Domino Adam priore eiusdem loci · magistro Alexandro de Kyninmund archidiacono Laudonie · Dominis Dauid de Bercley · vicecomite de Fyf · Thoma de Haya · Willelmo de Camboc · militibus · et multis aliis ·

XXIII.

· ROSINCLERACH ·

Omnibus sancte matris ecclesie filiis · W · Dei gracia prior de Sancto Andrea · et conuentus eiusdem loci · Salutem · Sciant presentes et futuri nos dedisse et concessesse · et hac nostra carta confirmasse Jacobo de Pert et heredibus suis Rossyn clerahc cum omnibus pertinenciis · et libertatibus ad eandem uillam pertinentibus · et cum donacione ecclesie eiusdem uille · et cum molendino · cum pratis · et pascuis · et omnibus aisiamentis que ibidem haberi possint · Tenendam de nobis sibi et heredibus suis in feudo et hereditate libere et quiete ex omni seruicio consuetudine · et exaccione · Reddendo inde annuatim nobis unum modium uini ad Pentecosten · His testibus · Dunecano comite · Michaele clerico · Odone sanescaldo · Magistro Matheo · Roberto capellano de Pert · Adam de Sireis · Samuele de Pert ·

XXIV.

DE ROSSICLERACH ·

Willelmus · Dei gracia Rex Scottorum Omnibus hominibus tocius terre sue clericis et laicis salutem · Sciant presentes et posteri me concessisse et hac mea carta confirmasse Jacobo de Pert et heredibus suis Rosin clerac cum omnibus pertinenciis et libertatibus suis ad eandem uillam pertinentibus · et cum donacione ecclesie cum molendino cum pratis et pascuis et omnibus aisiamentis que ibidem haberi possint tenendam sibi et heredibus suis de priore · W · et conuentu Sancti Andree in feudo et hereditate ita libere et quiete ex omni seruicio et seruitudine sicut carta prioris · W · et conventus Sancti Andree ei testatur et confirmat · Testibus · Hugone episcopo · Dunekano comite · Waltero de Berkelai · Adam de Syreis . . . . . Apud Forfar ·

XXV.

ASSEDACIO DE TOFFTO ET CROFFTO CUM PERTINENCIIS IN VILLA DE GLESBANY ·

Hec est conuencio facta inter religiosos viros dominum Simonem Dei gracia abbatem domus Sancte Crucis de Edynburgh et eiusdem loci conuentum ex parte vna · et dominum Gilbertum de Haya dominum de Erole ex altera / die Jouis proximo post festum Sancti Petri in Cathedra · Anno Domini · m°· ccc° vicesimo · videlicet quod dictus abbas et conuentus concesserunt ad firmam dicto domino Gilberto pro toto tempore vite sue toftum et croftum cum pertinenciis in villa de Glesbany ac totam terram dictos abbatem et conuentum in tenemento dicte ville de Glesbany contingentem pro sex solidis et octo denariis sterlingorum dictis abbati et conventui vel suo certo actornato apud Perth ad festum Natiuitatis Sancti Johannis Baptiste annuatim persoluendis / sine aliqua dilacione · cauillacione · dolo vel fraude · Termino introitus dicti domini Gilberti in dicta toftum et croftum ac terram incipiente ad festum Pentecostes anno Domini · m°· ccc° vicesimo primo · Termino prime solucionis incipiente ad festum Natiuitatis Sancti Johannis Baptiste anno Domini · m°· ccc° vicesimo secundo · In cuius rei testimonium huic scripto in modum cirograffi confecto dicte partes sigilla sua alternatim apposuerunt Testibus dominis Roberto de Keth · Alexandro de Seton et Roberto de Lawedir · militibus · Willelmo de Valy · Ricardo Garda Johanne de Ratis et Johanne de Trumbelay · ac multis aliis ·

XXVI.

DE ENNERPEFFIR ·

Murdacus Senescalli Dominus de Abthane Justiciarius ex parte boreali aque de Forth vniuersis ad quorum notitiam presentes litere peruenerint Salutem · Cum iustum sit et meritorium perhibere testimonium veritati et de hijs precipue que coram judicibus sunt determinata legitime et peracta ·

Ane breiv served be order of Murdo Steuart justiciar benorth Forth Lord

Abthane quhairby Thomas de Haya is served air in the landis of Innerpeffer to Schir Johne Keith his guidschir · 19 Januarij 1389 ·

Hinc est quod testificamur quod dominus Thomas de Haya Constabularius Scocie / die Mercurie decimo nono die mensis Januarij anno Domini millesimo tricentesimo octogesimo nono · se presentauit in plena curia itineris justiciarie per nos tenta apud Dunde / et petijt a nobis iuris complementum de vno breui de morte antecessoris per ipsum presentato contra dominum Willelmum de Keth militem Marescallum Scocie super terris de Inuerpeffir cum pertinenciis infra vicecomitatum de Forfar / Quod breue presentatum fuit ab quondam domino Alexandro de Lyndesay justiciario ex parte boreali aque de Forth predecessori nostro in officio justiciarie antedicto / et processus factus et initus super dicto breui in diuersis curiis justiciarie coram predicto domino Alexandro et eius deputatis super dicto breui cum citacionibus probatis notorius erat et manifestus · et super dicto breui duo iudicia erant data et contradicta et in diuersis parliamentis determinatis · Nos super dicti domini Thome peticione cum maturo consilio auisati petiuimus cum instancia dictum processum ad proximum iter justiciarie deferri et prorogari · Qui quidem dominus Thomas nostre peticioni non inclinans extendebat plegium / quod consideratis considerandis omnibus punctis et articulis processibus et defensionibus in dicto processu factis et contentis vsque ad tunc dictum breue de iure simpliciter esset ad assisam · Et super hoc vt prius tam auctoritate nostri officij quam iuramenti ad hoc prestiti petijt iuris complementum · Nos vt prius ex deliberato consilio et ex decreto curie prefatum dominum Willelmum de Keth vocari fecimus legitime / qui non comparuit / cum dictum breue lectum fuerat et positum ad assisam meliorum et proborum patrie · Per quamquidem assisam compertum fuit quod quondam dominus Johannes de Keth miles auus dicti domini Thome de Haya obijt vestitus et saysitus vt de feodo de predictis terris de Inuerpeffir cum pertinenciis · Et quod dictus dominus Thomas de Haya est legitimus et propinquior heres dicti quondam domini Johannis de eisdem terris cum pertinenciis · Et quod dictus dominus Willelmus de Keth predictas terras de Inuerpeffir cum pertinenciis iniuste detinebat / Super cuius quidem assise veredicto et de precepto dicti breuis nos in plena curia talem saysinam per virgam dicto domino Thome contulimus qualem habuit dictus auus suus die quo fuit viuus et mortuus · Insuper dedimus in mandatis vicecomiti de Forfar saysinam huiusmodi sibi dare super solium terrarum predictarum · Quod omnibus quorum interest vel interesse poterit innotescimus per presentes / quibus sigillum nostri officij in testimonium est appensum / loco die et anno supradictis ·

XXVII.

CARTA BARONIE DE COWIE ·

Robertus dux Albanie comes de Fyfe et de Menteth ac regni Scotie gubernator · Omnibus probis hominibus tocius regni predicti clericis et laicis · Salutem · Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse · carissimo nepoti nostro Willelmo de Haya de Erole Constabulario Scotie · totas et integras terras baronie de Cowie cum pertinenciis jacentes infra vicecomitatum de Kincardyne / Que quidem terre cum pertinenciis fuerunt Willelmi Fraser de Fillorth hereditarie / Et quas idem Willelmus Fraser non vi aut metu ductus nec errore lapsus sed mera et spontanea voluntate sua in manus nostras per fustum et baculum / ac per suas literas patentes sub sigillo suo coram subscriptis testibus sursum reddidit pure et simpliciter resignauit / ac totum jus et clameum que in dictis terris cum pertinenciis habuit uel habere poterit pro se et heredibus suis omnino quietum clamauit in perpetuum · Tenendas et habendas . . de domino nostro Rege et heredibus suis in unam integram et liberam baroniam in feodo et hereditate in perpetuum . . Faciendo inde domino nostro Regi et heredibus suis dictus Willelmus de Haya nepos noster et heredes sui seruicia de dicta baronia cum pertinenciis debita et consueta · In cuius rei testimonium presenti carte nostre magnum sigillum officij nostri apponi precepimus · Testibus reuerendo in Christo patre Gilberto episcopo Abbirdonensi cancellario Scotie · Johanne Senescalli comite Buchanie filio nostro · Alexandro de Grame filio domini de Grame · Thoma Brisbane · Willelmo de . . . . . Willelmo de Cochran · David de Allirdasse · et Andrea de Hawyk rectore de Listoun secretario nostro · Apud Falklande quarto decimo die mensis Maij anno Domini millesimo quadringentesimo quintodecimo · et gubernationis nostre nono ·

XXVIII.

CARTA TERRARUM DE URY WILLELMO DE HAIA CONCESSA ·

Omnibus hanc cartam visuris uel audituris Willelmus de Haia miles Constabularius Scocie et dominus de Errolle / eternam in Domino salutem · Noueritis nos dedisse concessisse et hac presenti carta nostra in perpetuum confirmasse · dilecto filio nostro Willelmo de Haia · omnes terras nostras de Ury cum molendino eiusdem · Rochclook · Fyndelawiston · Balnageth · Carneton · Glichnoch · Monquheych · Rothnoch · Acherethy · Magra · cum molendino de Cowy cum pertinenciis · et cum annuali de Logy · ac eciam cum viginti solidis annuatim percipiendis de duabus Mouquhalis / pro quibus inhabitatores dictarum uillarum libere molent ad molendinum de Cowy soluendo tantam multuram quantam soluerent tempore confectionis presentium · Et cum annuali trium solidorum et decem denariorum de quodam crofto jacenti infra uillam de Cowy quodquidem croftum Thomas Besat tenet de nobis in feodo · Jacentes in baronia nostra de Cowy infra vicecomitatum de Kincardyne · Tenendas et habendas . . predicto Willelmo filio meo et heredibus suis masculis de corpore suo legittime procreandis / quibus forsan deficientibus volumus quod predicte terre et annui redditus cum pertinenciis ad nos et heredes nostros legitimos quoscunque libere reuertant / de nobis et heredibus nostris in feodo et hereditate in perpetuum . . Faciendo inde annuatim dictus Willelmus et heredes sui masculi predicti pro dictis terris cum pertinenciis tres sectas curie pro dicta baronia ad tria placita capitalia curie vicecomitatus de Kincardyne tantum pro omni alio seruicio . . In cuius rei testimonium sigillum nostrum presenti carte nostre apponi fecimus Apud Slanys vicesimo die mensis Julij anno gracie millesimo quadringentesimo tricesimo · Hijs testibus Domino Willelmo de Keth marescallo Scocie · Alexandro de Seton de Gordon · Dauid de Lesley de eodem · Domino Alexandro de Forbes de eodem · Domino Gilberto de Haia de Dronlaw fratre nostro · Domino Alexandro de Irwyn de Drum · et Johanne Ogstoun de eodem · cum multis alijs ·

XXIX.

LITERA DOMINI REGIS COMITI DE EROLE ·

Rex ·

Weilbeloued cousing We greite you weile / Ande forsamekle as James of Douglas knycht was tennand to you and held certaine landis of you the tyme of the forfatoure led vpoun him And we haue present and be thir oure lettres presentis to the saide landis oure loued familiare Dauid Stewarte of Rossythe knycht exhorting and praying you effectueusli that ye ressaue and admitt as tennand to you of the said landis the saide Dauid and make him haue possessioun of thame togidder with youre lettres thare-vpon and the mare fauorably for oure sake as ye wil do vs singler emplesance and haue speceale thankis of ws tharefore · Gevin vndir oure signet at Lithqw the thrid day of Januare And of our regne the xxiij yere /

Ane suplicatioune of the Kingis to the Erll of Erroll for rasauing the lard of Rossytht to certane landis pertenit to Schyr James of Dwgles quha wes forfaltit /

JAMES R

Dilecto consanguineo nostro
Willelmo comiti de Erole /

XXX.

CARTA DE FORDWY IN ANGUS

Vniuersis pateat per presentes me Valterum de Ogilby de Ouress dedisse concessisse et hac presenti carta mea confirmasse / necnon meo vero et indubitato assignato assignasse / magnifico et potenti domino Willelmo Comiti de Erole Domino Le Hay ac Constabulario Scotie totas et integras terras meas de Fordovy cum pertinenciis cum superioritate earundem necnon cum duabus marcis et dimidia marca annui redditus earundem / Ac eciam omnes et singulas terras meas de Lytilkethyk cum pertinenciis jacentes infra regalitatem de Dunfermlyne / Et quascunque terras habeo de Joneta de Dunbar / domina de Frendraucht / et de Abbate de Dunfermlyne teneo in capite et de conuentu eiusdem · Tenendas et habendas dictas terras de Fordowy Lytilkethyk cum superioritate earundem vna cum dicto

annuo redditu dicto Domino Comiti heredibus suis et suis assignatis a me et heredibus meis in feodo et hereditate in perpetuum . . . . . In cuius rei testimonium sigillum meum presentibus est appensum Apud Erole vicesimo die mensis Junij anno Domini millesimo quadringentesimo quinquagesimo nono ·

XXXI.

OBLIGATION BY FRIAR JAMES LYNDESSAY VICAR-GENERAL OF THE FRIARS MINOR IN SCOTLAND TO THE LADY BETRECHE OF DOUGLAS COUNTESS OF ERROLL.

Be it kend tyll all men be thir present letteris ws Frer James Lyndessay bachylar in theologe Wycar generalle of the Freris Minoris of Scotlande / wyth the assent concent and effec of owre conuent of Donde tyll the nomyr of forteyn freris · Alexandyr Waus · Frer Alexander Camiueille · Frer Dauyd Lesle · Frer Dauyd Ray · Frer Dawyd Esse · Frer Walther Smyth · Frer Hugo Rede · Frer John Thenande · Frer Alexander Aweylle · Frer Thomas Kynlocht · Frer James Broyn · Frer John Cwyk / Tyll boyn and oblesce ws / And byndyss ws and owr successoris for the tym beande perpetealy and euer to the day doym / Tyll say or synge a daly meiss tyll and for a mychty and rycht nobyll lorde and herylle of Heraille Heyrlle Wylyam the Hay · tyll his spoyss contass and layde Deym Betterecht of Dogles · tyll thair soyn Erylle Wylyam present · thar antycessoris and successoris for euer · for the rawarde gewyn till ws intyll gret myster be the handis of the forsade layde Deym Betteregis of Dogles and his soyn Erylle Wylyam the Hay present / in this deyr yeir qway . . . mell gywis xxiiij schillingis · mawyte xxx schillingis · beyr ij markis · qweyte xxxij schillingis · a lytil haddok vij pennyis · a kellyn xxx pennyis · a gallon of haylle xxxij pennyis · *et cet* · In owr supple of owr lewynge and owr plass raparalynge And in specialle owr gretest wyndoys mendyn · The qwylk mes sall be doyn at owr he auter or qwayr it plesis the hoyr man for the tym qweill the forsade layde Layde Betteragis ples to raparalle an awter in owr kyrk for hir deuocion and than that mes to be doyn at that awter forhowte frawde gylle or ony kynde of dissate with

all deligenss be grass grantyt tyll ws fra God Almychte and owr successoris or obstakylle of ony maner · The qwylk mes sall be callyt *The Contass Mes* or *Erlys Mes* · Dyschargyande the forsad lordis and layde Deym Betteragis of Doglas and hoder that efferis of the soym tayn for the forsade mes for now and euer haldan ws fullely content and payte for ws and our successoris / as the oblygacion of the forsade layde Layde Betteragis beris wytnes onder our seylle of officis of Wycharagis and Wardanis of the conuent of Dunde / And tyll the mayr abondanss the Wardan of Hadynton Drumfress Lanak Kyrcubryk and Enderketynge has appensyt thar sellys the xij day of Marchyss at Dunde the yeir of God a m° cccc° hachte and a yeir ·

XXXII.

INDENTURE BETWEEN THE LADY BETRECHE OF DOUGLAS COUNTESS OF ERROLL AND FRIAR JAMES LYNDESSAY VICAR-GENERAL OF THE FRIARS MINOR IN SCOTLAND AND THE WARDEN AND CONVENT OF THEIR CONVENT OF DUNDEE.

Hec indentura facta apud Dunde vicesimo quinto die mensis Nouembris anno Domini millesimo quadringentesimo octogesimo secundo testatur · Quod hec conuencio facta fuit inter nobilem et potentem dominam Betriche Douglas relictam quondam Willelmi comitis de Eraile in sva viduitate ex parte vna · et venerabiles ac religiosos viros Fratrem Jacobum Lyndessay vicarium generalem ordinis Fratrum Minorum regni Scocie / et gardianum ac conuentum eiusdem ordinis de Dunde / ex parte altera · in hunc modum · videlicet · Quia in anno precedente presens scriptum victualia cara erant et dicti fratres unde uiuere sufficienter non habebant et pro sustentacione miserabilis vite eorum que soli Deo seruire poterant / suos libros calices et iocalia inuadiauerant et impignorauerant pro victualibus unde uiuere poterant · Et dicta domina Betriche comitissa de Eraille uolens uitam eorum reficere et monasterium eorum de Dunde emendare / dedit concessit eisdem fratribus / videlicet vicario et conventui / summam centum librarum vsualis monete regni Scocie ad foris acquietandum suos libros calices et iocalia invadiata et ad emendandum

monasterium de Dunde / in puram et perpetuam elimosinam · Pro qua quidem summa centum librarum predicti fratres firmiter obligantur / pro se et successoribus suis fratribus perpetuis dicti monasterij de Dunde futuris temporibus / dietim celebrare in magno altari monasterij de Dunde unam missam submissa voce vel cum nota / que missa vocabitur *Missa Domine* / pro anima dicte Betriche ac pro animabus Willelmi olim sponsi sui ac Willelmi comitis de Eraile filij sui et successorum suorum ac pro animabus omnium fidelium defunctorum · Et si contigerit quod dicta domina Beatriche edificauerit vnum altare infra ecclesiam dicti monasterij in honorem Dei Omnipotentis · Beate Virginis Marie · et Trium Regum Orientalium · prout tendit edificare / tunc dicti fratres cum consensu suorum superiorum translabunt dictam missam que vocabitur *Missa Domine* a magno altari ad illud altare Trium Regum Orientalium / et ibidem dictam vnam missam celebrabunt pro animabus prenominatis · Insuper si contigerit dictos fratres in vno die duobus tribus quatuor aut quibuscunque diebus in celebratione dicte *Misse Domine* apud altaria predicta pro animabus prenominatis deficere pro quibuscunque impedimentis fiendis / quod absit / dicti fratres obligant se et successores suos fratres professos perpetuos monasterij predicti de Dunde / fide media et per professionem eorum sub penis excommunicacionis majoris prout coram summo judice voluerint respondere / quod tot missas pro animabus prenominatis celebrabunt apud altaria predicta cum toto conventu dicti monasterij quot dimiserint incelebratas · Et sic dietim illa *Missa Domine* pro animabus prenominatis apud altaria predicta celebrabitur fraude dolo et cauillacione postpositis · Et hec indentura referetur ad magnam cartam quam dicta domina Betriche habet sub sigillis omnium gardianorum predicti ordinis infra regnum Scocie · In cuius rei testimonium parti huius indenture remanenti penes dictam dominam Betriche comitissam de Eraile sigillum dicti vicarij / vnacum sigillo capituli dictorum fratrum cum manualibus subscriptionibus quatuordecem fratrum in dicto monasterio de Dunde ad confectionem presentis indenture existentium / est appensum · Et parti uero huius indenture remanenti penes dictos fratres sigillum dicte domine Betriche comitisse de Eraile est appensum / loco die mense et anno prescriptis ·

Frater Jacobus Lyndessay vicarius generalis manu propria confirmat et mandat ·

Frater Henricus Cylma gardianus conventus de Dunde manu propria ·

Frater David Raa . . . . . de . . . . . manu propria ·

Frater Dauyd Lesle ·
Frater Johannes Tennand manu propria
Frater Thomas Kynlocht ·
Frater Jacobus Walredi manu propria ·
Frater Alexander Aweylle manu propria ·
Frater Rede Hugow manu propria ·
Frater Johannes Bybe ·
Frater Dauyd Esse manu propria ·
Frater Jacobus Brine ·
Frater Alane Vals ·

XXXIII.

CONFIRMATION OF THE PRECEDING INDENTURE BY THE MINISTER PRINCIPAL AND THE WARDENS AND CHAPTER OF THE FRIARS MINORS OF SCOTLAND ·

Be it kend tyll all men be thir present lettris ws Frer Jhon Yhar ministyr principal of the Freris Minoris of Scotland · Frer Andro Russel wardan of the freris of Dunde · Walter Bachlow wardan of Dunfress · Richart Inglis wardan of Lanark · Willyam Tenand wardan of Hadentoun · Frer Andro Cromy wardan of Kirkubrichth · Jhon Lyel wardan of Inuerkethin · Andro Fife wardan of Roxburgh · to haue rede and understandin in our principall chaptour haldin at Lanark the · xj · day of Julij in the yeir of God m° · iiii^c · lxxxx · yheris certan euidentis and endenturis maid betuext an worschipful ladye Betreche of Douglas Contass of Erole on the ta part / And Frer James Lyndessay wycar generalle of the said ordour conuenit at Dunde and all the wardanis of the said ordour on the tother part / twychin a meiss to be songyng or said perpetealy and daly at the he auter of our said plass of Dunde ay and on to the tym it pleissis the said ladye to big and reperal an auter in the said kyrke of The Three Kingis of Colan / efter the quhilk bigyng the said mess to be doyn at the said auter of The Three Kingis / and to be callit *The Contass Mes* / perpetealy for certan meritis benefice and guid deidis doyn be the said ladye tyl our said plass of Dunde as in the said euidentis fullar is conteinit · The quhilkis meritis obligacioun euidentis and endenturis we haue fully considerit and to

reson has fund tham acordinge / For the quhilkis we ryply auisit hafand God and gud conscence befor ws we approue ratefie and confirmis the said euidentis in all pointis and articles contenit in tham be thir our lettris perpetealy to endure for ws and our successoris · In witnes of the quhilk thing we haue appendit the sele of our office of ministry togeder with the seles of the wardanis of Dunde Hadinton and Dunfreis for consent of the wardanis abune writin and all our haill chaptour / of Lanark day yeir abune writtin ·

XXXIV.

INSTRUMENT BY FRANCIS AND MARY KING AND QUEEN OF SCOTS CONSTITUTING GEORGE SEVENTH EARL OF ERROLL THEIR LIEUTENANT BETWEEN THE WATER OF ERNE AND THE NORTH WATER ·

FRANCISCUS ET MARIA Dei gratia Rex et Regina Scotorum Delphinus et Delphina Viennensis *etc* · Omnibus probis hominibus suis ad quos presentes litere peruenerint Salutem / Noueritis quod fecimus et constituimus et ordinauimus facimusque constituimus et ordinamus per presentes / confisum nostrum consanguineum Georgium Erolie Comitem Dominum Hay ac Constabularium regni nostri Scotie / nostrum locumtenentem intra omnes bondas seu partes inter aquas siue flumina de Erne et Aquam Borealem / pro tranquillitate et pace inter incolas earundem habendis resistentiaque inimicorum rebellium et transgressorum infra dictas bondas seu partes si qui fuerint punitione · Dando concedendo et committendo prefato nostro consanguineo locumtenenti nostro prescripto nostram plenam potestatem et mandatum speciale omnes et singulos ligeos et subditos et alios dictarum bondarum et terrarum incolas seu inhabitantes quoscunque tum per mare atque terram regendi gubernandi et defendendi / ordinancias vel ordinationes et regulas inter eos pro eorum gubernatione faciendi exercendi et exceptandi contra / hujusmodi ac alios inobedientes aut malefactores aut irregulares infra dictas bondas si qui fuerint secundum suarum transgressionum quantitatem legi conforme corrigendi castigandi et puniendi / ligeos subditos nostros quoscunque inhabitantes intra bondas pre-

dictas contra memoratos rebelles et inobedientes ad arma ac indumenta bellica mouendi siue excitandi et vocandi · Necnon nostrum vexillum quoties opus fuerit pro ipsorum resistentia ac inuasione contra nostram authoritatem regnique nostri commune bonum insurgere presumentium excitandi et gerendi / castrorumve ullorum fortiliciorum contra illos infra bondas suprascriptas detentores inuadendi impugnandi obsidendi et recuperandi eorundemque detentores eorum adherentes ac participes tanquam nostros rebelles puniendi · Necnon nostrum vexillum et ligeos adversus eos atque alios ad eos accedendos intra predictas bondas aut aliam regni nostri ullamque partem seu extra idem / quando premonitus noster locumtenens ad hoc per nos oneratus seu jussus fuerit / excitandi et congregandi / Ac etiam constabularios mariscallos et omnes alios officiarios requisitos et necessarios pro quibus respondere tenebitur faciendi et deputandi · Et generaliter omnia alia et singula faciendi gerendi et exercendi et utendi que in premissis et circa ea necessaria fuerint seu quovis modo opportuna · Ratum et gratum habendum et habetur totum et quicquid prenominatus noster locumtenens suique officiarii et ministri in premissis rite duxerit seu duxerint faciendum · Quare universis et singulis ligeis et subditis nostris quarumcunque terrarum bondarum suprascriptarum incolis et inhabitantibus precipimus et mandamus quatenus ipsi et ipsorum quilibet prelibato locumtenenti ejusque officiariis ejus nomine in omnibus et singulis predictum officium locumtenentis concernentibus prompte respondeant intendant pareant et obediant / necnon cum illo seu illis illius nomine / infra prescriptas bondas vel illarum ullam partem ullamve aliam partem regni nostri aut extra idem prout ipse ipsos premonuerit et quemadmodum ille per nos ut premittitur ad hoc jussus seu oneratus fuerit / Sub omni pena quam ipsi ipsorumque quilibet contra nostram maiestatem committere et incurrere poterint seu poterit in hac parte / presentibus pro nostra voluntate proxime post datam earundem sine reuocatione duraturis · In cujus rei testimonium magnum sigillum nostrum presentibus apponi fecimus Apud Dunbar vicesimo secundo die mensis Julij anno Domini millesimo quingentesimo quinquagesimo nono Et regnorum nostrorum annis primo et decimo septimo ·

XXXV.

INSTRUMENTUM RECLAMATIONIS DOMINI DE ERROLL CONTRA FRATRES SUOS.

In Dei nomine Amen · Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod Anno incarnationis Dominice millesimo quingentesimo septuagesimo sexto mensis vero Augusti die decimo sexto regnante illustrissimo Jacobo Scotorum Rege Sexto regni huius anno nono / In mei notarii publici et testium infrascriptorum presentiis personaliter constitutus nobilis et potens dominus Andreas Comes de Erroll Dominus Hay et Constabularius Scotie *etc* · dixit exposuit narrauit et affirmauit prout in vulgari sequitur · Forsamekill as the said nobill and potent lord in presens of me notar publict and witnes vnderwrittin exponit and vpone his conscience declarit quhow that Lawrence George and Alexander Hayis his bretherene / vpone the first day of August yeir of God aboue wryttin about twa or thrie houris in the mornying or thairby vnder silence of the nycht accompanyit with certane men of weyr seditious personis / cam to his Place of Slanis lidderit the wallis And clame the forsaid Place And enterit within his said Castell and Place (the said lord his seruandis and other gentillmen being inclusit thairin and lyand in diuersse chalmerris) tuke thair wapynnis frome tham and ilkane of thame seueralie And retenit thame captiue within thair saidis chalmerris / And thairefter ledderit the stair of his awine chalmer and enterrit thairin And efter defence maid be him / and efter that he had passit furth of his said chalmer to the hall of the said Castell and closit the durris betuix him and thame / thai violentlie brak the durris and with daggis pistolettis swerdis and quhingaris inuadit him and tuke him perforse in his awne house (he than beand destitute of all his seruandis) And putt him in firmance in the towr off the samen / quhair he was manesit and boistit be the said suddarttis and speciallie be ane Harye Herst to haue bene schott / And be the same suddarttis was disarmit of his wapynnis and thairefter keipit and retenit captiue be his saidis bretherene and thair suddarttis in the said Castell vnto the said sextene day of August / thay and thair saidis suddarttis being maister of the said Castell and Place induring the space forsaid / during the quhilk tyme thai daylie and continewalie manesit and boistit the said nobill lord

for his slauchter in cace he had nocht consentit to thair desiris And on nawayis wald suffer his freindis nor seruandis to haue ingresse nor accesse vnto him / Induring the quhilk tyme for verray feir and dreddour quhilk mycht haue fallin in ane maist constant man being swa captiue in his awne hous the saidis Lawrence George and Alexander causit and compellit be feir and dreddour the said nobill lord to subscryue diuersse and syndre blanks to thame to the effectis following / to wit / Ane blanke in fauouris of the said George quhairin ane lyifrent suld haue bene insert to him of all and haill the Kirktoun of Slanis with the pertinentis during all the dayis of the said George lyiftyme for yeirlie payment of the few malis thereoff to the College of Aberdene alanerlie / Ane other blank to be fillit to the said Lawrence at his plesour of ane lyifrent of all and haill the twa pairk landis of Claschbanye liand in the baronie of Erroll within the schirefdome of Pertht for all the dayis of the said Lawrence lyiftyme / And ane other blanke to the said Alexander quhairin suld haue bene insert the said nobill lordis obligatioune for the sowme of fourtye pundis yeirlie to be wpliftit furth of the said nobill lordis toun and landis of Inschmychaell induring the said Alexanderis lyiftyme / with prouisioune that the said nobill lord sall travell with Master William Hay personn of Turreff to cause him resigne the personage thairoff to the effect that the said Alexander mycht be providit thairto / reseruand the lyifrent thairoff to him during his lyiftyme / And in cace the said Maister Willeame suld inlaik oblesand the said nobill lord to provide the said Alexander to the said personage And thairefter that the said Alexander suld renunce the said sowme of fourtie pundis to haue bene wpliftit of the said toun and landis of Inschmychaell . And sielike causit and compellit the said nobill lord the tyme aboue wryttin to subscriue ane vther blank to the saidis Lawrence George and Alexander and thair complices suddarttis men of weyr quhairin ane discharge suld haue bene wryttin of thair intromissione with his jowellis gold siluer charterris euidentis clething plenysing and otheris guidis and geir pertenyng to him being within his said Place the tyme aboue mentionate / At the leist the saidis personis with thair complices the tyme aboue specifeit for feir and dreddour causit the said nobill lord to subscriue the blankis forsaidis of the contentis aboue mentionate / like as thai mycht haue compellit him to subscriue quhatsumeuir writtis thai plesit the tyme aboue wryttin with otheris diuerse contractis obligatiounes writtis and blankis of quhatsumeuer tenour and effect thai plesit and lyikit / And inrespect of thir

premissis thair deidis transgressionis and attemptatis done and committit be the saidis personis and thair complices as said is And that the said nobill lord the tyme forsaid beyng captiue vnder thair dominionis for feir and dreddour as said is grantit to thair desiris · Heirfore the said nobill lord now beand at libertie be thir presentis reuokis annullis cassis renuncis and dischargis all alienationis donationis fewfermes lyifrentis heritages infeftmentis obligatiounes contractis discharges acquittances and all maner of giftis or blankis quhatsumeuer subscriuit be the said nobill lord to the saidis personis and thair complices / during the tyme of his said captiuitie and keping be his said bretherene and thair complices / Quhilkis writtingis blankis quhatsumeuer subscriuit be the said nobill lord the tyme forsaid with all that may follow thairwpone the said nobill lord be thir presentis declaris frathiufurth to be of na farder stryncht force efficacie nor effect bott wtterlie to be expyrit cassit reuokit annullit bureit and extinct in tham selffis for euer like as the samen had neuer bene done thocht pretendit nor attemptate / protestand solemptlie that it salbe lesum to the said nobill lord his airis or assignais to call convene follow and persew the forsaidis personis thair airis assignais and successouris before the lordis of counsell for reductione of the saidis pretendit allegit infeftmentis donatiounes contractis fewfermes obligatiounes dischargis with all that may follow thairwpone tyme and place conuenient and oportune for the rychtis ressonis titellis caussis and allegatiounes forsaidis / And protestis that this his reuocatioune may be extendit in maist ample forme of reuocatioune can be devysit to the effect forsaid / vpone the quhilkis premissis the said nobill lord vpone euerie poynt heiroff maid fayth · Super quibus omnibus et singulis dictus dominus Comes de Erroll a me notario publico subscripto sibi fieri petiit instrumentum vel instrumenta vnum vel plura publicum vel publica / Acta erant hec apud *lie Morehill* apud molendinum de Newburght hora decima ante meridiem vel eocirca Presentibus ibidem nobili et potenti domino Laurencio Domino Oliphant Wilhelmo Olyphant de Newtoun Joanne Ingliss seruo dicti Comitis / et me notario publico / testibus ad premissa vocatis et rogatis *etc* ·

Et ego Johannes Dauidsone clericus Aberdonensis diocesis authoritate Romana notarius / nunc vero per Dominos Consilii secundem tenorem acti parliamenti admissus / Quia premissis omnibus *etc* ·

XXXVI.

THE ERLL OF ERROLLIS ANSWER TO THE KING.

As towardis the wrangus and particular informationnis gevin in to your Maiestie aganis me / bayth at this present and heirtofoir / I prais my God thair is nane of sic consequence bot may esalie be considderit to be occasionis forgit be my vnfreindis And na thing committit in my parte wordy to merit your Maiesteis myslyking And your Maiestie may esalie considder gif it will pleis your Hienes rychtlie to wey the mater and to tak tryell be discreit and indifferent persones of my trew and dewtifull parte bayth to yonr Maiesteis obedience and sernice / as alsua in doing to the weill of my house and barnis as becumis me / Beseiking heirfoir your Hienes to considder in how mony diuerse and hawy inconvenience I am fallin be the decrete arbitrall pronuncit aganis me be your Maiestie / nocht of your awin motiue as I knaw assuredlie bot of the sinister informatioun of my saidis vnfreindis haveing your Hienes eir in the mentyme and qnha daylie ceassis nocht to induce your Grace to be ane partie to me / ane thing very sorrifull to ane trew snbiect quha hes nocht merit / as alsua ar yet byssy to instigat and moif my barnis fra thair naturall obedience towardis me quhairbie to haif the bettir occasioun to clok thair impietie be thair wrangus narrationnis to your Maiestie

And quhair as I am delatit to your Maiestie for that / That with all humilitie and reuerence I haue desyrit remaid intentit snmmondis of reductioun of the foirsaid decrete in sic poyntis as be all apperance aggreis nocht with guid ressoun / I beleif your Hienes princlie naturall neuir willit to daill mair straitlie with me nor with vtheris your Maiesteis lawfull subiectis haueing the lyk complent quhome to your Maiestie of your benignitie and clemencie naturall hes willinglie hard / namlie the Lord Forbus and his freindis aganis the Erle of Huntlie / nor yet that your Hienes be importunitie of my vnfreindis will neuir mene to coact or compel me to my barnis as ane sencles ideot voyd of discretioun and dewtie / to quhome I am of mynd and very willing / thay applying thame selffis as becumis thame to ressaue it / to do that fatherlie favour frilie that appertenis me · And that your Maiestie may haif the better experience of the same I haif intentit summondis of reduction quhairbie I being repomt in

my awin place may gif your Hienes preif that of naturalitie I will do to my barnis as becumis ane fader to do to his childrene And (with your Maiesties reuerence) to mak thame lieris that vtherwyise informis your Maiestie and wald obscure my honour be sic preposterus daling

And quhair as thai wald informe your Maiestie / That I depart fra your Grace at sumtymes nocht takin guid nycht / be that it appeiris how bissy thai ar to bring me in your disgrace And yit I nevir partit fra your Grace bot in obedience and affectioun of hart and conforme to the custome of the rest of your Hienes honorabill subjectis as he that evir hes bene loith ather to fasche or flatter your Grace

And quhair it is specifeit / That your Hienes hes euir borne with my doingis in hoip that I suld haif tane ane better cours / I remit me to your Maiesteis iugement quhat trubill and disqueyetnes I haif causles sustenit / and that be the forgit inventionis of my saidis vnfreindis / quhairupoun succedit the warding of my persone togidder with inhibitiounes and interdictiounes dischargeing me fra all administratioun of my leving / And my haill guidis escheitit and my self brocht in ane slander with my awin barnis / quhome thai will nather licience to acknawlege thair obedience towardis me nor yit will permite me to live in queyetnes the bettir to extend my faderlie dewitie ower thame conforme to the guidwill I beir · As for my answer to the rest of the speciall pointis quhilkis your Maiestie craues for obeying of your Grace / pleis ressaue thame as efter followiss praying your Hienes to concaue my parte rychtlie and nocht conforme to the report of disfanoraris

And quhair it is requirit of me to gif ane iust inventour of my evidentis / albeit it be vncertane to me to quhat effect the samyn is requirit and that greit parrallis followis rycht oft thairby as we sie be daylie experience / yet I sall condescend thairto how sone that I sall knaw the persone vnsuspect to be ane luiffar of me and the weilfair and standing of my house quha salbe deput to that effect

As to the thrid / seing I haif neuir bene ane dilapidar nor puttar auay of my said leving bot rather ane fader thairunto and hes relevit the samin of grite sowmes of money as is notoriuslie knawin / I think thair is na occasioun quhairfor the administratioun thairof suld be tane auay fra me and put vpoun ane of my soneis I being on lyfe · And thairfoir vnto the tyme that my sones cum to ane gritter aige and discretioun or that I may haif ane suir pruif of thair guid behauiour towardis me according to thair

detbound dewitie / I intend nocht to lay that charge vpoun tham quhilk I knaw nocht yit gif thai he abill to beir / And quhane I do it I vnderstand that the samin salbe vpoun sic conditiounis as vther noble men of the cuntrie obtenis quhane thai put thair soneis in fie of thair landis

As to the ferd heid I am desyrit to gif answer gif I will pas fra the reductioun of your Grace decreit pennit and dewysit be my vnfrendis / quhairintill your Grace is gritlie interest in your Hienes honour and conscience incase as God forbid your Maiestie mantene the samin / and I havelie hurt and dishonerit in preferring my barnis befoir my self in my principall styill and leving of my landis of Erroll And in making me inferiour and subiect to thame / quhar be the contrar be all ressone I aucht to be principall of tham and of the place that God hes callit me to salang as it pleissis God to suffer me on lyfe / Lykeas your Maiestie haveing na iust occasioun to be movit in the contrar can find na falt with me in craving your Grace aid and supplie to my redress conforme to your Hienes lawis (quhairfra na trew subiect aucht to be debarrit) and remembering the auld proverb / He is âne sair doung barne that dar nocht greit / And sua I am constranit with your Maiesteis reuerence to seik remeid be ordour of iustice conforme to the lawis of this cuntry / And that inrespect of my regrous and evill handling notoriouslie knawin the lyk neuir being practesit on na vther of my rank in Scotland Quhairof I nather blame your Grace but onlie my vnfreindis and the plattieris

And as concerning my eldast sone Alexander Hay Maister of Erroll / I am of that guid mynd towardis him neuir to prefer ony vther in that place quhilk God hes callit him to / gif God grantis him dayis / efter me And that inrespect of his constant guid behauiour and dew obedience towardis me in all tymes heirtofoir / in consideratioun quhairof is myndfull to bestow him on ane honorabill partie maist aggreabill to his awin hartis contentment to the effect God willing I may sie successioun procreat of his awin body And in seing of the samin war ane of my grittast comfortis he being the sone quha neuir offendit me / And I salbe that guid fader vnto him quha sall patientlie suffer all extremitie or I euer offend God or hurt my conscience in dyspossessing of him of that place quhilk God hes callit him to seing it hes pleasit God to mak him my eldast and lawfull begottne sone And for his preserwatioun and caussis foirsaid may nocht suffer him to pas fra my presence wontoning the lawfull successioun begottin of his body And for remeid of ony impediment that he hes sall nocht spair for

expenssis to cause sic men cum vnto him out of France or ony vther farreir natioun for curing of his diseasses as I may haif the knawlege of sik men meit for that purpoise Lyke as Doctour Skein is presentlie in guid asperance of his remaid

As to the fyft / I was ay willing to prowyde for my sone Thomas and haid alreddy begun and intendis to gratifie him in the thing that is desyrit / prouyding that induring my lyfteme I haif bayth the cwir of him and of his leving as ressone wald

As to the contract with my wyff[1] / The alteratioun thairof standis nocht in my power without the awyise and consent of the vther contractaris / the Erle of Cathnes being deid[2] his air is young And I am nocht certane quhat thai can or will do in that behalf

As to the sevint / I wnderstand that I haif ellis alreddy depute faythfull men for the effairis and ordour of my caussis in quhome incaise ony falt can be reprochit I sall vpoun tryell thairupoun remoif thame and put vtheris in thair placeis

And that your Hienes wald tak the aduyse of the wyissast of your Graceis college of iustice / thay being vnsuspect persones / concerning the consideratioun of your Maiesteis decrete and my reductioun Be the quhilkis being reponit in my awin place and my barnis craving me faderlie / and haveing assurance of thair guid behauiour and obedience towardis me in all tymeis heirefter / I sall vndouttetlie do all thingis that appertenis ane of my rank to do to thair barnis / prouyding that I haif the gouernament of thame and that quhilk I sall prouyde for thame / during my lyftyme / quhilk bayth the law of God and man willis thame to leif vnder my obedience and commandement

XXXVII.

ANSWERIS TO THE KINGS MAIESTIE BY ANDRO ERLL OF ERROLL - MDLXXXII

Forsamekle as your Maiestie hes requirit ane speciale answer gif I wilbe content that the decreit arbitrall gevin be your Hines be modifeit

(1) [Dame Agnes Sinclair, daughter of George, fourth Earl of Caithness.]

(2) [According to the inscription on his tomb, on the ninth of September, 1582.]

and limitat be the aduise of the lordis of your counsale and sessioun the said decreit standand in the awin force / fforsamekle thairof as be the aduise of the foirsaidis lordis efter thair modificatioun salbe found to stand / It may pleise your Maiestie That be ressone the said decreit is gevin partiallie to the greit hurt of me my hous and posteritie And inrespect alswa that according to your Hines decreit forsaid the saidis lordis of counsale and sessioun haif interponit thair decreit and authoritie It is onpossible to devyse ane convenient securitie for derogatioun of the foirsaid decreit except that / be the ordiner remeid of reductioun / I be reponit in the formair estait quhairin I wes befoir the submissioun And namelie becaus the maist pairt of my bairnis ar within thair perfyte aige / But I being reponit as said is I will glaidlie vse and schaw sic fatherlie luif toward my bayrnis vpoun thair gude deseruyng and behauiour towardis me And support thame be all meanys as vther noble men in this cuntrie of my rank dois And that with sic expeditioun as your Maiestie with aduyse of any thre nobell men vnsuspect sall think expedient / In consideratioun quherof I doubt not of your Grace guid fauour towardis me your humble subiect And for your awin honour and relief of your Hines conscience your Maiestie will see me exonerat of this importable burding quhairwith I am chargeit And be sum vther gude ordour lay vpoun me samekle as I may beir according to the honour and estait of my hous And as your Grace wald wishe to be done to vtheris your subiectis of your realme nobillis of myne estait / Prayand your Hines rychtlie to considder this my vther informatioun be the quhilkis your Maiestie may persaiff my evill handeling as is notoriuslie knawin

Beseikand your Grace to tak this my ressonable answer in a guid pairt inrespect I am so havelie hurt and preiugeit in my honour and levyng be the last submissioun / and the effect following tharupoun / quhilk being devysit and pennit be my vnfreindis of my name quha subscriuit your Grace decreit / in the quhilkis thai mak me to be interdytit as I war an ideott to my dishonour and schame / It being vnknawin to your Maiestie quhat iust querrell I haif to ane of the cheif devysaris of thir foirsaidis / Peter Hay of Meginche and his sonis / And being vnreconceillit with thame for the cuming to my Place of Slanis vnder silence of nycht and ledderit the wallis thairof / Peter Heyis eldest sone being within the house of Slanis of befoir direct be his father to betraise me as he did indeid / he and his seruandis res-

sauand his fatheris houshald seruandis with my awin brether and the remanent of that band / being neir kinnismen to the said Peter for the tyme / in ouer the wallis And thairefter pat hand on my awin body And tuik me and my bairnis captiue retenying ws the space of threttie dayes within the dungeoun of Slanis on sett purpoise to haife tane my awin lyff wer not the help of God and my awin governament / The said Peter heireftir send his sonis to the town of Perth And thair cruellie slew my principale seruand for the tyme Neill Neilsoun / nocht-withstanding he had the said Peters hand writt for his assurance in the contrair / And he yet continewand in his former wraith towardis me to the wrak and dishonour of me and my hous can not be satisfeit with the wrangis forsaid Bot hes drawin fra me my awin bairnis and sterit thame vp in my contrair / aganis the law of God and natur / causing thame to intromett with my principall styll and leuing of Erroll vpoun the quhilkis thei mak thair present chargeis aganis all gude ressone vnder the cullour of your Graces decreit be quhome your Maiestie hes bene dicet-fullie abusit in thair advyses in formyng of your Graces decreit / And to cullour thair impietie wald mak your Majestie partie to me As alsua wald haiff me takand remissoun to mak me the mair odious to your Hienes albeit I never deservit / nor nane of my hous / ony sic remissioun contenit in your Grace decreit bot hes euer bene faythfull and trew to your Maiestie and to your Graces auncient predecessouris of wordie memorie · And quhair thei falslie accuse me that I haiff gevin priuie infeftmentis to my bedfellow or ony vtheris to the wrak and hurt of my hous sen the pronunceing of your Grace decreit / I maist effectuuslie desyr your Grace that the samyn may be tryit in your Majesties awin presence I being callit thairto with sic vther noble men as your Grace pleisis call to that effect And vpoun iust tryell takin thairin your Majestie may haiff full pruif and experience vpoun the wrangous narratiounis maid be my vnfreindis quhais particular and querrell aganis me is for the redemyng of my awin propir heretage out of thair handis / being wodsett be my father and predicessouris / quhilk I haue brocht hame agane to the effect I may be the mair abill to mak your Hienes the better seruice quha salbe mair worthie and faythfull to your Maiestie to inioy the samyn induring my lyftyme nor ony vther that wald bereife me of my pairt thairof induring my dayes / In consideratioun quhairof I doubt not bot your Maiestie will repone me in my awin place and mentene me as your Hienes trew and efauld subiect quha sall neuir offend your Maiestie God willing

XXXVIII.

GIFT OF THE ESCHEAT OF THE LANDS AND EFFECTS OF ANDRO ERL OF ERROLL TO THE CLERK REGISTER V JULY MDLXXXIII ·

James be the grace of God King of Scottis / To all and sindrie oure liegis and subditis quhome it efferis quhais knawlege thir our letteris sal cum greting · Wit ye ws to haue gevin and grantit and be thir oure letteris gevis and grantis to oure weilbelouit counsallour and daylie seruitour Alexander Hay clerk of oure register his airis and assignais ane or maa to the behufe of the barneis of Andro Erle of Errole Lord Hay Constabile of oure realme of Scotland procreat betuix him and his first wyif / be our avise and directioun / the escheit of all guidis movabill and vnmovabill dettis takis steddingis rowmes possessionis actis contractis actionis decreitis obligationis reversionis sowmes of money jowellis gold siluer cunyeit and vncunyeit insicht plenissing cornis cattell guidis and geir quhatsumevir quhilkis pertenit to the said Andro Erle of Errole and now pertenyng to ws fallin and becum in oure handis and at oure dispositioun be ressoun of escheit throw being of the said Andro Erle of Errole ordourlie denuncit oure rebell and put to oure horne be vertew of oure vtheris letteris in the foure formes direct at the instance of Gilbert Reid of Colleistoun aganis the said Erle and certane vtheris personis contenit thairin for non payment to him of the sowmes of money specifeit in our saidis vtheris letteris / as for the proffittis of the landis of Knoppislyk als callit Lysk Grangeoun with the pertinentis lyand within oure schirrefdome of Aberdene be the space contenit in our saidis vtheris letteris as in the samin letteris executionis and indorsationis thairof at mair lenth proportis / or throw being of the said Erle ordourlie denuncit oure rebell and put to oure horne be vertew of oure vtheris letteris in the foure formes direct at the instance of the said Gilbert Reid of Colleistoun aganeis the said Erle for non making of payment to him of the sowmes of money specifeit in oure saidis vtheris letteris for the proffitis of his landis of . . . . stoun myln mylnlandis and fischear hevin thairof with thair pertinentis lyand within oure said schirrefdome of Abirdene be the space contenit in oure saidis vtheris letteris / as in the samin oure vtheris letteris direct thairvpoun executionis and indorsationis thairof siclyke at mair lenth proportis · To be haldin and to be had the escheit guidis movabill

and vnmovabill abouewrittin and proffittis thairof to our said counsallour and dalie seruitor his airis and assignais ane or maa with all and sindrie commoditeis fredomes proffittis and richteous pertinentis quhatsumevir pertenyng or that richteouslie may pertene thairto / With power to the said Alexander his airis and assignais forsaidis to intromit with and tak vp the saidis escheat guidis and dettis quhatsumevir quharevir the samin can be apprehendit at thair awin handis and to dispone thairvpoun at thar plesour and to occupie the saidis takis and stedingis rowmes and possessionis gif ony be with thair awin guidis or to set thame to tennentis as thai sall think maist expedient during all the tyme thairof / with all vtheris commoditeis and fredomes ffrelie quietlie weill and in peace but ony reuocatioune obstacle impediment or aganecalling quhatsumevir · Quhairfore we charge straitlie and commandis yow all and sindrie our liegis and subditis foirsaidis that nane of yow tak vpoun hand to mak ony lat stop or distrublance to the said Alexander his airis and assignais foirsaidis in the peceabill brouking joysing vptaking intromitting with and disponing vpoun the escheat guidis movabill and vnmovabill abouewrittin and proffittis thairof efter the forme and tenour of thir oure letteris vnder all our hiast pane and charge that efter may follow · Gevin vnder oure privie seill at Sanctandrois the fyft day of Julij the yeir of God j^{m} v^{c} fourscoir thre yeris and of oure rignne the sexteine yeir

Per signaturam manibus S · D · N · Regis / dominorum sui secreti consilii ac thesaurarii subscriptam *etc*

XXXIX.

RESOLUTIONS CONCERNING ANDREW EIGHTH EARL OF ERROLL PRESENTED TO THE KING. XV JANUARY MDLXXXIV.

Presentit to the Kingis Maiestie vpoun the xv day of Januar · 1583 ·

Seing all his Maiesteis travelles and fauour shewin for the weilfair of the Erle of Erroll his hous and bairnes can not bring him to the richt consideratioun of his awin estait / bot that his malice and vnkynd dealing toward his lawfull bairns begottin on his first wiff is discoverit / and the decreit gevin be his Maiestie and the lordes of his counsell and sessioun contempned and not obeyit / His Hienes is constrenit to cum to this resolutioun

That the charges sall proceid aganis the said Erll with all diligence quhill be obey the said decreit or be put to the horne

Incaiss he pas to the horne his escheate to be disponit to

To the matenance of the actioun aganis him and his evill counsell and for the help and intertenyment of his houss and bairnis / quhome thair fader hes neglectit and gais about vnkyndlie to dishereis / And that in respect the said escheat hes bene twyss disponit already *gratis* / and his Maiesteis fauour sa lichtlie regardit / That now the said donatour sall pay to his Maiesteis vse of the reddiest of the same escheat sic a soume as his Hienes sall think reasounable

That Maistres Helene[1] may remane infeft as she dois for hir tochir / and she to mak resignatioun of the landis quhairin she is to be infeft in her bruther Frances fauour vpoun sufficient securitie maid be him for hir tocher / her mariage to be exped / and the Kingis Maiestie to contract in place of hir vnnatural fader

His Maiestie wilhave Alexander Hay eldest sone to the said Erll placeit to remane in the cumpany of the Capitane of the Castell of Edinburgh / quhill his habilitie may be tryit and him self inquirit vpoun his misvsaige in tyme past baith in his persoun and in the dispositioun of that leving and patrimony quhairvnto he wes apperand to succeid be fraudulent and indirect meanes

And that the said Alexander salbe moved safar as he may pretend interesse or may be able to agrie to mak sic titles in fauour of Frances as men of ingement sall think meit / The said Alexanders awin necessair and honorable sustentatioun being weill prouidit for / as alsua of his bruder Thomas

Sa soune as the said Erll is at the horne and be absenting himsel That he be committit to waird / and incais of his absence lettres of captioun to be direct

His houissis to be chairgeit to be randerit vnder the pane of tressoun / sa mony of his euidentes as can be gottin to be putt in gude suirtie / and the rest callit for

His wiff to be wrettin to further the end of thir materis without further delay or trouble

All personis on the counsell or knawlege of the fraudulent titles to be callit and examinat / quhairthrow the trewth may be knawin and the next best remedy prouidit

That the clerk of register be his Maiesties aduise and directioun may be

(1) [The Earl's only daughter, born of his first wife.]

moved to mak assignay to the last gift of escheite quhilk fell not vnder the submissioun / this assignatioun to be intimat to my Lord / And sic as hes intromittit with the escheat guidis or rentis callit for breking of arreistment

And becaus in the tyme of the said erllis remaining at the horne sindrie partiis havand actioun aganis him may get greit advantage for null defence to the preiudice of his house / quhilk is the speceall thing socht to be eschewed / Thairfore his Majestie will wrete for the saidis partiis / and move thame to cum to sum gude and reasounable compositioun and to transfer thair titles and actionis in Frances / be the meanes quhairof he may atteane to the possessioun of a greit pairt of the leving and frustrat the plattes devised aganis him and the remanent of his moders bairnis.

Further quhateuer the freindes of the said Erll of Erroll / that hes takin the cair and paines of this mater heirtofoir / salhappin to think requisite and craue to be done agreeing with iustice reasoun and the lovable custum of the cuntrie / be the aduise of Robert Erll of Merche / James Erll of Arrane / Walter commendater of Pettynweme capitane of his Hienes gairds / and Walter priour of Blanter kepar of his previe seill or onie ane of thame / His Maiestie will hald hand and see the same accomplishit / for the sure provisioun of the said house in the posteritie gottin betuix the said Erll and his vmquhile spous and resisting and taking away of the fraudes intendet for thair disheresing.

XL.

MY LORD OFF ERLE OF ERROLIS TESTAMENT AND LETTER WILL. I MARCH MDLXXXIV.

We Androw Erll of Eroll Lord Hay Great Constabill of Scotland, haill in mynd and bodie perfect in sences and vnderstanding and of guid memorie (praisit be God) knawand na thing mair certane nor death and the hour thairof to be vncertane willand the verteouss vpbringing of the barnis lauchtfullie gottin and to be gottin betuix me and Dame Agnes Sinclair my present spous, and that sum prouisioun be maid for thame in respect that my wther barnis gottin betuix me and vmquhile Maistres Jeanne Hay my first spous ar wtherwayis alreddie sufficientlie provydit and forisfamiliat, And siclyk beand of mynd that, that portioun quhilk may fall to my saidis

barnis gottin or to be gottin betuix me and my sayd present spous, be my deceis testament legacie or wtherwayis be nocht dissipat nor dilapidat makis this my letter will and testament as eftir followis, In the first I leve my saule to the Almychtie God and beleves to be savit be His mercie throw the blud of His deir sone Jesus Christ our onlie Saviour and Redemer, Item makis nominatis and constitutis the said Dame Agnes my present spous and the saidis barnis lauchfullie gottin and to be gottin betuix me and hir my onlie executouris testamentaris and onlie and vniuersall intromittouris with my guidis and geir And referis the inventar thairof to be gevin vp justlie be the sayd Dame Agnes as scho will ansuer to God in the letter day of jugement, And levis and disponis my pairt of the saydis guidis and geir to the said Dame Agnes and barnis lauchtfullie gottin or to be gottin betuix me and hir equalie to be pairtit amangis thame *per capita* / And willis that the portioun of ony of my saidis executouris that hapinis to depairt this lyfe sall accress to the remanent of my saydis barnis executouris forsaidis And that my saidis barnis and executouris forsaidis be educat and brocht vp in vertew vpone the brok and proffeit of thair geir but hurt or diminutioun of the stok or principall, Item I mak nominat and constitut the said Dame Agnes during her wedoheid tutrix testamentar of my saidis barnis executouris forsaidis And failyeing of hir be deceiss or gif it salhappin hir to marie during the pupillaritie of my saidis barnis executouris forsaidis In that caice I mak and constitut George Sinclair chancelare of Cathnes and Gilbert Hay of Percok *coniunctim* tutoris testamentaris to my saidis barnis, In witnes of the quhilkis to this my letter will and testament, subscryuit with my hand as efter followis my proper seill is affixt At Sandend the fyrst day of Merche the yeir of God ane thousand fywe hundreth four scour four yeiris, Befoir thir witnessis Alexander Hay in Ardmakorn Johnne Cunnisoun our serwand Mr Alexander Bruce minister of Gods word at the kyrk of Crodan, and Maister Johnne Robertsoun notar publict

Ita est Magister Joannes Robertsoun notarius publicus ac testis in premissis ad hec manu propria

Andro Erll off Erroll with my hand

Jhone Cunnison witnes

Alex^{r} Hay witnes

M. Alexander Bruce witnes.

XLI.

THE TESTIMONIALL OF MY LORDIS DECLARATIOUN VPON HIS CONSCIENCE CONCERNING HIS EVIDENTIS OF THE LEVING OF EROLE AND VTHER THINGIS. III OCTOBER MDLXXXV.

At the Place of Slaynis the thrid day of October the yeir of God j^m v^c fourscoir fywe yeris

The quhilk day in presence of ws the minister notar and witnessis wnderwrittin / Ane nobil lord Androw Erle of Erroll being seik in body bot haill and perfyte in mynd and vnderstanding And throw the said seiknes in that estait of weakness that it is vnabill to him to travell be ony way to declair his conscience in the mater wnder writtin beffoir the jugeis competent to that effect / the quhilk thing we testifie to be of trewth wpone our conscience be thir presentis / Exponit and declarit wpone his conscience taking God to witness beffoir quhome he protestit to compeir schortlie That the haill writtis and ewidentis concerning the house and lewing of the Erledome of Erroll quhilkis he hes or ewer had wndelywerit togidder with the inventour of the samin ar in his chartour kist quhilk standis in the Tour of Logy and is knawin weill anewche to syndrie his freindis And in ane wther quhyit Flanderse kist standing thair also / except sa mony writtis as his lordschip hes send away presentlie to be delywerit and subscrywit the inventour thairof And that for fulfilling of the letteris of the lordis of counsall chairgeing his lordschip to that effect / Lyik as also annent the sowme of awchteine thousand merkis contractit be his lordschip to be wairit and imployit to the wtilitie of him selfe wyfe and thair bairnis for performance quhairof his lordschip is chairgeit be wertew of the saidis letteris / the said nobill lord declairit and exponit wpone his conscience that the said sowme was collectit and gadderit togidder and diligence maid for wairing and imploying the same conforme to the tennour of his obligatioun thairanent And that the said sowme collectit togidder as said is / besyde and attour wther grit sowmeis and wther geir alsweill pertening to wtheris and committit thair to him in keipping as the geir pertening to him selfe / was in the said Towre of Logy put thair be him And that his lordschip was than lyik as he is yit willing (wpone the restitutioun of his said house agane and geir quhilk thairin wes contenit in sik full delywerance as it was

takin and ressawit) that the saidis ewidentis and writtis quhatsumewer he is chairgeit with all be delywerit furth of the said chartour kist standing as said is to sik as hes entress thairwnto And that the said sowme be employit efter the tennour of the obligatioun maid thairannent / And for mair suirtie therof and performance of all wther conditiounis his lordschip is obleissit to thame at quhais instance he is chairgeit with the lettris foirsaidis as said is / He is content and consentis the full restitutioun foirsaid being maid to find sufficient cawtioun or wther sikkerness as be ony law or ressoun can be dewysit / And because he is nocht able to trawell him selfe to the effect foirsaid for performance thairof hes gevin full power and commandiment to that effect / In respect of the quhilkis premisses and obedience foirsaid protestit the executioun of the foirsaidis letteris sould haue na effect aganis him / The quhilk declaratioun of the said nobill lord foirsaid we testifie to be of trewth and weritie be thir presentis subscrywit with our handis as followis day yeir and place foirsaid in witnesse and testimonie of the premisses

M. Alexander Bruce minister at Crudane witnes in the premises

Ita est Magister Joannes Robertsoun notarius publicus ac testis in premissis ad hec manu propria

Alexander Lord Saltoun witnes

Patrik Mowat of Boquholle vitness

George Mester of Saltoune witnes

M. William Striuiling persone of Aberfule witnes to the forsaid declaration

XLII.

LICENCE BY KING JAMES VI. TO FRANCIS NINTH EARL OF ERROLL

Rex ·

We be the tennour heirof freithis and relevis our richt traist cousing and counsalour Frances Erll of Erroll Lord Hay Constable of our Realm of his present ward appointit to him in the north of Scotland And gevis him liberty to repair to our burgh of Edinburgh for awaitting on his

causses in law and in all vther partes of our realme as our fre liege without cryme pane or danger to be incurrit be him Dischargeing him *simpliciter* of the same be thir our letteris subscriuit with our hand and vnder our signet At Leith the xxij day of October and of our regn the xxiij yeir · 1589 ·

JAMES R ·

XLIII.

LETTER FROM THE PRIVY COUNCIL TO WILLIAM TENTH EARL OF ERROLL. XVIII MAY MDCXXXIII.

Letter from the Privy Council to the Earl of Erroll, concerning the attendance of the King from Falkland to Perth. 18 May 1633.

After our verie heartlie commendatiounis to your good lordschip Whereas the Kingis Maiestie intends God willing to ryde fra Falkland to Perth vpon the aucht day of July nixtocome It is thairfoir verie necessar for the honnour and credite of the countrie that his Maiestie be weill attended and accompanied in that little progresse And for this effect these ar to requeist and desire your good lordschip That accompanied with your freinds weill horsed and in good equippage and appareil yow prepare your selffes to meit his Maiestie vpon some part of the hie way within twa myle of the bridge of Erne on the south side thairof and to attend his Maiesties convoy therefra towards Perth And that no rascalls commouns nor others be suffered to be in your lordschips companie bot gentlemen weill horsed and in good equippage Not hindering alwayes the commouns to stand vpon the gait side and to gett a sight of his Maiestie And recommending this to your lordschips care as a point of service highlie concerning his Maiesties contentment and credite of the countrie we commit your lordschip to God / Frome Halyruidhous the xviij day of May 1633

Your lordschips verie assured good freinds

GEO. CANCELLARIUS
WIGTOUNE
TRAQUAIRE
Sr THOMAS HOPE
JAMES BAILLIE

To our verie honourable good lord
The Erle of Erroll

XLIV.

THE COPPY OF THE TABILL QUHILK VES AT COWPER OF AL THE ERLES OF ERROLL QUHILK VER BURYD IN THE ABBEY KIRK THAIR ·

· Hic desunt multorum Dominorum predecessorum nomina · a primo HAY · qui devicit Danios · sub Kenetho tertio · anno Domini [circa · DCCCC · LXXX] · ad hunc DAUIDEM · qui vixit anno · ·

· Memorandum · Quod DOMINUS DAUID de Errol · interfectus erat ad bellum de Duram · [anno Domini · m° · ccc° · xlvi ·]

· · Item · DOMINUS NICOLAUS DE HAYA · dominus de Errol · interfectus fuit ad bellum de · anno Domini · ·

Quorum corpora requiescunt coram altari huius monasterij de Cupro ·

· Item · Anno Domini · m° · ccc° · xxxiij · nono Kalendas Maij · Obiit pie memorie · DOMINUS GILBERTUS HAY · apud Aberdein · et sepultus est apud Cuprum · xiij° · Kalendas eiusdem mensis · coram altari Sancti Andree ·

· Item · Anno Domini · m° · cccc° · vj · sexto Kalendas Julij · Obiit pie memorie · DOMINUS THOMAS DE HAY · Constabularius Scocie · apud Inchetuthel · et sepvltus est apud Cuprum ·

· Item · DAUID DE HAY · filius quondam dicti Thome · sepultus est ibidem ·

· Item · anno Domini · m° · cccc° · [xxx]vii · in crastino Pentecostes · Obijt DOMINUS GULIELMUS DE HAYA · Constabularius Scocie · Dominus de Errol · apvd Furvie · et sepultus est apud Cuprum ·

· Item · Anno · m° · cccc° · xxxvj · septimo Idus Septembris · Obijt apud Admuir · GILBERTUS DE HAY · filius et heres dicti Gulielmi de Hay · de Erol · et sepultus est apud Cuprum ·

· Item · GULIELMUS COMES DE ERROL · Constabularius Scocie · obijt apud Slanis · et sepultus est apud Cuprum · Anno Domini · m° · cccc° · lx · mensis Augusti · xix ·

· Item · NICOLAUS COMES DE ERROL · filius quondam Gulielmi Comitis de Errol · obijt apud Killimuir · et sepultus est apud Cuprum · Anno Domini · m° · cccc° · lxvij · mensis Augusti · xxiv ·

· Item · Anno Domini · m · d · Obijt pie memorie · ELISABETH GORDON · COMITISSA DE ERROLL · et Domina de Kennedio · xv · Calendas Maij · Et sepulta est in Cupro ·

· Item · Anno Domini · m · d · vi · Obijt pie memorie · GULIELMUS DE HAY · Scocie Constabularius · nec non Comes de Errol · xiv · mensis Januarij · Et sepultus est in Cupro ·

· Item · pie memorie · DOMINUS GULIELMUS HAY · Comes de Errol · ac Constabularius Scocie · ac Vicecomes de Aberdein · interfectus fuit cum Domino Rege Iacobo iv° · ad bellum de Flowden · Anno Domini · m · d · xiii · Sepultus in · Et cum eo · lxxxvij · ex eodem cognomine ·

· Item · xxviii° · die mensis Julij · Anno Domini · m · d · xxii · Obijt GULIELMUS HAY · DE ERROL COMES · Vicecomes de Aberdein · Constabularius Scocie · apud Edinburgh · et sepultus est apud Cuprum · Etatis sue · xxvii° ·

· Item · xi · die mensis Aprilis · Anno Domini · m · d · xli · Obijt GULIELMUS HAY · filius et heres suprascripti Gulielmi · apud Edinburgh · etatis sue anno ·: xx° ·

· Item · penultimo die mensis Januarij · Anno Domini · m · d · lx[x]iii ·

Obijt bone memorie · GEORGIUS COMES DE ERROL · apud Pertham · et sepultus est Errolie ·

· Item · VIII° · die mensis Octobris · Anno Domini · M · D · LXXXV · Obijt ANDREAS COMES DE ERROL · apud Slanis · et sepultus est ibidem ·

XIII.

PAPERS

BY

THOMAS INNES, PRINCIPAL OF THE SCOTS COLLEGE AT PARIS,

AND

DOCUMENTS CONNECTED WITH HIS FAMILY.

PAPERS BY FATHER INNES.

I.

COPY OF MR. THOMAS INNES'S LETTER TO THE KING.(1)

SIR,

AFTER having waited long for a sure conveyance, I have delivered to one Dr. *Hay*, who goes to *Italy* along with some *English* gentlemen, a book in two volumes, lately printed at *London*, intitled, *A Critical Essay on the Ancient Inhabitants of the Northern Parts of Britain, or Scotland.* This Dr. *Hay* is known to Mr. *Edgar*, and to others your Majesty's servants, and will carefully convey this book. Your Majesty hath already had some account from my brother of the subject of it, and I beg leave to give it some more at length.

I have set down in the *Preface* and *Introduction* to this small book the general motives of my undertaking it, such as I thought proper to render public. But, besides these, I had another motive that related more immediately to the right of the crown, and to your Majesty's service, with which I could not, in the place and circumstances I was obliged to live during the impression, openly or barefacedly acquaint the public without awakening the governing powers, and manifestly hazarding the printer, the copies, and the author, to be seized upon.

HAVING spent many years in the search and examination into all I could hear of within our island of the remains of what related to the history and antiquities of *Scotland*, I could not, without concern, behold the fabulous and seditious accounts of the ancient state of that kingdom left by our modern writers. *Boece* and *Buchanan* continue still without

(1) [The son of King James II., commonly known by the style of the Chevalier de St. George, and by his adherents called King James III.]

being examined into and controlled, to be lookt upon as the common standard of the history of *Scotland* in ancient times, though they be not only contrary to all the remains we have of our more ancient writers, but that the principles they are built upon, and the practices that they authorise and commend, have been the chief source of all the rebellions that have happened in that kingdom within these last two hundred years: that is, since *A.D.* 1488, which is the date as well of the first successful rebellion in *Scotland*, to wit, that against king *James III.*, as of the first Act against the right of monarchy which was designedly made by the authors of that rebellion to screen themselves from the punishment due to their crime by all the former and the then standing laws of the kingdom, as well as from the indignation of all the crowned heads in *Europe*.

Now, in order to support and justify with posterity this attempt and act, (of which no precedent was to be found in any former reign since the beginning of the *Scotish* monarchy, and nothing to be met with in any history of *Scotland* till that time that could authorize them,) there were very soon after (no doubt by the contrivance of some of the adherents of those conspirators) some historical pieces forged under the names of a *Veremundus*, a *Spaniard*, and of other such *Utopian* writers, containing a story of forty pretended ancient *Scotish* kings, with details of their lives, actions, and exits, not only never heard of till that time, but contradicted by all the remains we have of former writers: and, in this new invented history of the *Scots*, these kings are made accountable to their subjects; and, accordingly, of these forty kings, about a third part are arraigned, or condemned, or punished by their subjects for pretended maladministration.

It was upon these new invented stories and forged memoirs (which disappeared as soon as they had served the turn), that the history of the first forty kings of the *Scots* was drawn up. Copies of these were made, and, as having been taken from ancient and genuine historical monuments newly found out in a remote corner of the kingdom, they were sent to *Hector Boece*, a very credulous writer in the beginning of the sixteenth century; and, without farther examination upon these and such other vouchers, *Boece* wrote a new history of *Scotland*, beginning with the reigns of these forty kings lately invented.

This history, with the enumeration of so many ancient kings of *Scots* deposed by their subjects, together with the foresaid Act, made *A.D.* 1488,

against the monarchy of king *James III.*, became the foundation upon which the new reformers in *Scotland* proceeded to depose their sovereign, queen *Mary*, *A. D.* 1567; and, to justify farther that attempt, *George Buchanan*, a zealous *Calvinist*, and the best orator of the times, was employed, first, to write a libel, intitled, *De jure Regni apud Scotos*, chiefly grounded upon the precedents of the deposing power contained in the story of the first forty kings: and soon after, this same *Buchanan* wrote himself the history of these forty kings in a more polite style, to render it more taking, though he knew it to be mere fable, and with new examples of the popular power continued down to his own time.

Both which pieces of *Buchanan*, though condemned by an Act of Parliament of king *James VI.* as satyres upon monarchical government, have nevertheless continued ever since to give the handle to all the rebellions of the last age in that kingdom. It was chiefly the precedents and principles contained in them, joined to the fanatical spirit of the time, that armed the subjects in *Scotland* against your grandfather, king *Charles I.* It was upon the same principles and pretended right to call the sovereign to account, that the factious party in the *Scotish* convention, *A.D.* 1689, proceeded to that height of insolence, as to declare that your royal father had forfeited the crown. And since the *Revolution*, these wretched libels of *Buchanan* are become as classic authors, put into children's hands in our *Scotish* schools, and are commonly looked upon by strangers abroad as the only standard of *Scotish* history and of the right of monarchy: which, in all appearance, contributes not a little to render foreign princes so little sensible of the crying injustice done your Majesty.

Now, in this *Essay* I have endeavoured to go to the root of these antimonarchical principles, to discover the forgery of the vouchers upon which they are built, and to find out the date of them. This subject is particularly handled from *page* 214 till *page* 395, besides what is said in other places, and what I may have farther occasion to add, if I live to continue on the other part of the *Essay*.

Your Majesty will easily perceive that it was no easy matter in these times to publish in *London* a piece of this nature, which strikes at the root of the *Revolution* principles in *Scotland;* and that I behooved to give the air of a bare historical fact, and treat as it were by the by, joined in with a great variety of other critical discussions, and bring it in as a necessary part of my subject, under the pretence of enquiring into the true

era of the *Scotish* monarchy. But it is, I hope, no less effectually done, and the dark contrivance of the forgery and source of the anti-monarchical principles in *Scotland* no less fully laid open, than if I had openly declared my design.

Besides the duty of all good subjects to concur in their respective stations to vindicate the honour and support the rights of the crown, and the many particular obligations we in this house lie under to your royal father of blessed memory, and to your Majesty for your constant protection, we cannot better answer the intentions of the two founders of this college than by giving, as occasion offers, all the proofs we are able of our steady adherence to the crown, and by educating all those that Providence places under our care in the same principles.

The first of our founders, *David Murray*, bishop of *Murray*, above four hundred years ago, was pursued by sea and land by the usurper of these days, *Edward I.*, king of *England*, bore with perseverance to be deprived of his bishopric, banished his country, and even to be excommunicated by the Pope, for no other cause than his unalterable adherence to his lawful sovereign, king *Robert* the *Bruce*. And our second founder, *James Bethune*, archbishop of *Glasgow*, bore, with no less constancy, the forfeiture of his dignity, the confiscation of all that belonged to him, and a perpetual exile, for his firm attachment to his oppressed sovereign, queen *Mary*.

It was in imitation of these eminent patterns of loyalty, that I have spared no pains, and ran some risks, to go to the bottom of the dark contrivances of factious men against the sovereignty of our kings, and to demonstrate their original forgery; and that my brother has spared no expense to have it done.

If this performance, such as it is, proves as much to your Majesty's satisfaction as I have ground to hope it will to the advantage of monarchy, I have my aim in giving this proof of the most profound and most dutiful veneration, with which, I am,

SIR,

Your Majesty's most humble, most obedient,
and most faithful subject and servant.

Paris, 17th *October*, 1729.

II.

THREE ARTICLES COPIED OUT OF THE BISHOP OF ROCHESTER'S[1] LETTERS TO MR. DANIEL WILLIAMS, RELATING TO MR. INNES'S CRITICAL ESSAY.

Montpelier, February 26th, 1730.

MR. INNES, of the *Scotch* College, a good and learned man, has published a book about the antiquities of his country, written with great knowledge and judgment, and effectually disproving the fabulous relations embraced by his countrymen. Bishop *Stillingfleet* and bishop *Lloyd* began this attempt; but he has set the point aimed at in a much clearer and fuller light than either of them, and has, at the same time, given an excellent account of the rise of the deposing doctrine amongst them, and of the times when, and the reasons why, it came into fashion, and of the manifest forgeries introduced into their history in order to countenance it; so that he has certainly, by these means, done the royal cause a signal service. I doubt not but he has sent a book to the king, of which I suppose you may have the use, and will be pleased with the perusal of it, notwithstanding the repetitions and digressions with which it is clogged, and the dryness of the subject itself.

Paris, May 22, 1730.

You are in a mistake if you think that I saw a line of Mr. *Innes's* book before it was published. I think myself obliged to do him justice on that head; and for that reason, if I had no other, must have undeceived you by the first opportunity.

February, 25th, 1732.

MR. WADDELL has come to *Paris*, but I have not yet seen him. When I do, I shall frankly, though civilly, tell him my mind about his paper of objections,[2] which I have considered, as I have Mr. *Innes's* book, with

(1) [Dr. Francis Atterbury.]

(2) [These objections were afterwards published under the title of, Remarks on Mr. Innes's Critical Essay on the Ancient Inhabitants of the Northern Parts of Britain or Scot-

attention, and am sufficiently master of these matters to shew him that he has said nothing to shake Mr. *Innes's* proofs, nothing, indeed, but what Mr. *Innes* himself had in his book started and answered; and if Mr. *Waddel* had read it over with that care and consideration he should have done, he would never have writ that paper. Mr. *Innes's* scheme, accounting for the fabulous genealogy of their kings, from *Fergus I.* to *Fergus II.*, will stand against all objections. All future antiquaries, when the present prejudices are allayed, will certainly embrace it, as I find those of the *Scotch* nation that are most knowing in these matters at present do, particularly Lord *Panmure*, who is very learned that way, and was formerly on the other side of the question.

III.

REMARKS ON A CHARTER OF PRINCE HENRY, SON OF DAVID I. BY THOMAS INNES.

CHARTA HENRICI COMITIS NORTHUMBRIÆ, FILII DAVIDIS I. REGIS SCOTTORUM, CIRCA A. D. MCXL. *Ex Chartulario Prioratus Sancti Andreæ in Scotia, folio* 92. *penes Comitem de Panmure.*(1)

HENRICUS comes filius Dauid Regis Scottorum · Omnibus fidelibus et amicis suis · Salutem · Sicut filiis nequam pessimorum patrum imitatoribus peccata patrum et sua reddenda cognouimus · ita iustorum filiis · si iusticias patrum sectati fuerint · bona retribuenda confidimus · Unde ego Henricus gloriosi et illustris · Regis Dauid filius · et Deo propicio et *Rex designatus* · amorem et sollicitudinem quam predecessores mei circa Dei ecclesias habuerunt · quam et me pater meus · Rex et docet et docuit · habere in animo meo statui · Concedo igitur ecclesie Beati Andree · et Roberto

land. Edinburgh, 1733. 4to. This tract has been recently reprinted in a volume entitled, Scotia Rediviva: a Collection of Tracts illustrative of the History and Antiquities of Scotland, vol. i. pp. 225—256. Edinburgh, 1826. 8vo.]

(1) [Liber Cartarum Prioratus Sancti Andree in Scotia e Registro ipso in archivis Baronum de Panmure hodie asservato, pp. 192, 193. Edinburgi, 1841.]

primo eiusdem ecclesie priori · et canonicis ibidem Deo seruientibus et seruituris · donaciones quas uenerabilis pater · Robertus episcopus consilio patris mei et assensu · atque meo · eisdem contulit · sicut carta ipsius episcopi testatur · Donaciones nichilominus patris mei ex propriis redditibus · sicut per certam suam · Rex pater meus eisdem concessit et confirmauit · imperpetuum possidendas · Testibus Roberto episcopo eiusdem ecclesie · et Dunecano comite · et Willelmo capellano · et Herberto camerario · et Alfwin filio Archill · et Malothen le Mareschald · Apud Chilrimund ·

REMARKS ON THE ABOVE CHARTER.

I HAVE taken some more time to put in order the remarks which I designed to send you upon the charter of prince *Henry*, son to king *David I.*, because they are of some importance to the succession of the royal family in general, and to vindicate that pious king from the reflexions which his devotion and liberality, rather by the abuses which the alterations happened in after ages, gave occasion to, than by the circumstances our country was in when king *David I.* lived.

THE remarks then upon the style of prince *Henry's* charter to *St. Andrew's* may be reduced to two heads. The one concerns the unusual title of *Rex designatus*, which prince *Henry* takes; the other, concerning the great love and zeal that king *David* had, according to the example of his predecessors, for the church, and which he was careful to inspire into the prince, his son, by word and example.

As to the first head, to wit, the title of *Rex designatus*, given to prince *Henry* in the charter, as it is also given to him in other charters of the same chartulary of *St. Andrew's*, by the king(1) his father, and by the bishop of *St. Andrew's*.(2) To understand the grounds of this singular conduct of that wise and holy king towards the prince, his son, we must consider that, from the first establishment of the monarchy of the *Scots* in *Britain*, by *Fergus*, son of *Erch*, who was the first founder of it, it appears that this monarchy was not only hereditary from its foundation, but hereditary in the next heir to the last deceased king, when the heir was of age to govern. This is clear by the accounts of the series or succession of our kings, which we have of the seven first of them from our most ancient chronicles, written long before the additions, interpola-

(1) [Registrum Prioratus Sancti Andree, pp. 190, 191.] (2) [*Id.*, p. 122.]

tions, and alterations made in them by *John Fordun*, called our first historian, who was blindly followed, without examination, by all our posterior writers. From all our first and most ancient chronicles, and extracts from our chronicles, we find *Fergus*, son of *Erch*, who, as it hath been abundantly shown in the *Critical Essay* all over, and particularly page 637, &c., was the first sovereign king of all the *Scots* in *Britain;* we find, I say, this king *Fergus* immediately succeeded by his son *Dongard*, our second king, and to *Dongard* succeeded immediately his eldest son, *Comgall*, our third king: and *Conal*, son to *Comgall*, being under age, *Gabhran* or *Gauran*, brother to *Comgall*, succeeded, and was our fourth king. But after *Gabhran's* death, *Conal*, son to *Comgall*, immediately came to the crown; and to *Conal*, our fifth king, *Aydan*, son to *Gauran*, succeeded, not only by his birthright, but by special order of God, manifested to the great *St. Colomb*, to inaugurat him, and he was the sixth king of the *Scots;* and, by another special order of almighty God to the same *St. Colomb*, *Eocha-Buydhe*, whom our modern writers after *Fordun* miscal *Eugenius IV.*, succeeded immediately to his father, king *Aydan*, and was our seventh king, and began to reign *A.D.* 605.

Thus the series of our first kings and the order of their succession stands recorded in all the ancient monuments we have remaining of them, before *John Fordun:* the immediate heir, when he was of age to govern, always succeeding to the last deceased king; and for that reason, I shall call it the primitive law of succession to the crown of *Scotland*. And this we see was observed during the first age of the monarchy.

Of these ancient monuments, containing the order of the succession of our seven first kings, faithful copies of four of them may be seen in the *Critical Essay*, *pagg.* 789, 797, 811, and 824. There is also a fifth historical monument, entirely conformable to these four, in the series or succession of our first seven kings. It is written by *James Gray*, and an account of it is given, page 627, &c., of the *Critical Essay*.

It is observable that this primitive order of the succession of the next immediate heir was never interrupted but once, in the first age of the monarchy; to wit, in king *Gauran's* succeeding immediately to *Comgall*, passing by *Conal*, *Comgall's* son, who was under age; and that too by necessity in the circumstances of the kingdom, which required a king able to command his army in person.

For, in these first times, the enemies, upon all sides, with whom the *Scots* were surrounded, to wit, *Picts*, *Britons*, and *Saxons*, obliged them to be always on the wing, and ready to fight, with their kings at their head, as the custom then was; and, in consequence, when the immediate heir of the crown was under age, they found it necessary to give the command to the next immediate heir after him who was of age to govern, reserving still to the immediate heir to succeed and enjoy his rights when the throne came to be vacant. This was the case of the succession of *Gauran* and *Conal.*

This interruption of the immediate heir, his not enjoying his right, happened only but once, as we have seen in the first age of the monarchy; but a breach being once made in that fundamental law, opened such a door to the ambition of pretenders of their own family, that there ensued a strange confusion in the succession in the following ages, which was attended, in course, with civil wars, ravages of the kingdom, and bloodshed almost at every change of the king.

To put a stop to these disorders, which daily weakened the kingdom and threatened its entire ruin, king *Kenneth III.*, who began to reign *A.D.* 971, with the joint consent of his nobility, found no more proper means than to re-establish the primitive law of the succession to the crown, which they actually did in the following manner, as *Fordun* relates:

STATUIT igitur [*Rex Kennethus III.*] *omnium consensu principum, paucis primitivæ successionis fautoribus exceptis, ut regi cuique decedenti, de cetero filius aut filia, nepos aut neptis, seu lineæ collateralis frater aut soror; aut saltem quisquis alius, regi decedenti superstes sanguine proximus, succedere debeat, unius diei licet ætatis infans; cum dicatur quod,* Ætas regis in fide subditorum consistit; *nulla lege deinceps in hujus contrarium prævalente.*(1)

But this law of *Kenneth III.*, however necessary, did not take its effect at first, by reason of the ambition of pretenders insisting upon the former custom: so we find that, after king *Kenneth's* death, instead of his own son and heir, *Malcolm*, the crown was usurped, first by *Constantin*, and after him by *Grimus* or *Grig;* but, after they were killed one after another, *Malcolm*, the true heir of *Kenneth III.*, was, according to the law made by his father, acknowledged king. But, notwithstanding that law, new disorders and civil war happened, by the usurpation of *Macbeath*

(1) [Joannis Forduni Scotichronicon, lib. iv., cap. xxxii.; vol. i., p. 214. Edinb. 1759.]

and *Lulach;* and even in king *David's* own time, after the untimely death of *Malcolm III.*, his father, the crown was invaded, first by *Donald*, brother to king *Malcolm*, and again by *Duncan*, his natural son, in prejudice of king *Malcolm's* children, *Edgar*, *Alexander*, and *David* himself, the lawful heirs of the crown.

THESE usurpations, and the intestine wars that attended them, notwithstanding of *Kenneth the Third's* law of the succession, convinced our holy king that there was still need of a further provision to guard against the ambition of pretenders, upon the score of being descended of the royal family; and he found that the most natural provision was to have the true heir acknowledged during his own reign, and agreed to by all the subjects, and even to bear the title of *King designed.* Accordingly, besides this charter of the Prince, in which he entitles himself *Rex designatus*, the king himself, his father, in another charter of the same time, had given him that title, in these words: *Tam ego quam* Henricus *filius et Deo donante heres meus et* Rex designatus.(1) In like manner, *Robert*, bishop of *St. Andrews*, in a charter of the same time, tells that he founded the priory of *St. Andrews, consilio simul et concessione piissimi Regis nostri* Dauid · *necnon et filii ejus* Henrici *comitis et* Regis designati.(2)

AND this holy king, no less careful of the peace and happiness of his subjects than of preserving the crown in his royal family, upon the death of his beloved son, prince *Henry*, the darling of the *English* as well as of the *Scots*, leaving behind him three young princes, his children, *Malcolm*, *William*, and *David:* king *David*, I say, to provide against any intestine war that might break out after his own death, caused instantly carry about, through all the provinces of the kingdom, the eldest of his grandchildren, *Malcolm*, who was only about thirteen years of age, under the conduct of *Duncan*, earl of *Fife* (whose hereditary office it was to place the new king on the throne), in order to have the young prince every where proclaimed and acknowledged as the righteous heir of the crown, and his lawful successor; and at same time, caused the second brother, prince *William*, be proclaimed and acknowledged earl of *Northumberland*, as being next to the heir of the crown.

BY these precautions of this royal king, not only he was upon his death

(1) [Registrum Prioratus Sancti Andree, p. 190.]

(2) [*Id.*, p. 122.]

succeeded without the least opposition by his grandchild, prince *Malcolm*, but after *Malcolm's* death, his brother, prince *William*, came to the crown with the universal satisfaction *of all the subjects*.

And after all the race of king *William* was extinguished in *The Maid* of *Norway*, by the unanimous consent of all the kingdom, they went back to the race of his brother and next heir, *David*, earl of *Huntingdon*, and his two daughters, and their issue.

Thence the debate betwixt *John Baliol* and *Robert* the *Bruce*, which still ran upon the supposition of the right of the next heir; but this you'll find learnedly treated among a great many other notable enquiries in the *History of the Family of* Stuart.

To conclude: by the wise precautions of king *David I.*, by the particular blessing of God upon that religious prince, by the respect that all the *Scots* bore to him, and all the race of *St. Margaret* his mother, it hath happened that these six hundred and six years, since the beginning of king *David's* reign, the primitive law of the next immediate heir to the last deceased king hath been ever observed till the *Usurpation*, *A.D.* 1688: and, accordingly, there hath been none of these intestine wars which happened at the beginning of almost each reign, during about five hundred years from the reign of king *Eocha-buydhe*, or *Eugen IV.*, who succeeded as next immediate heir to his father, king *Aydan*, till that of king *Edgar*, who dispossessed *Donald* and *Duncan*, the two last usurpers upon the obsolete title of being come of the royal blood.

May I add here, for a farther conclusion, that as the last infraction, *A.D.* 1688, of the law of hereditary right in the next immediate heir was the most unnatural of all that had ever happened, so it hath accordingly drawn upon the nation the greatest punishments and humiliations, so as to have the nobility degraded, and the kingdom itself unkingdomed.

IV.

OF THE SALISBURY LITURGY USED IN SCOTLAND. BY THOMAS INNES.

The Bishops all inclined to his crown,
Both temporall and the religion.
The Romane books that then were in Scotland,
He gart them bear to Scoon, where they them fand,
And but reedeem, they burnt them all each ane.
Salisbury use our clerks then hath tane.

Acts of Sir William Wallace, b. xi., c. 7.(1)

AT your desire, I have sought out some of my musty papers to endeavour to give you some satisfaction upon this passage of *Wallace's Book*.

IT imports, in short, that king *Edward the First*, among other ravages, caused burn the books of our church liturgies, and substitute to them the usages of *Salisbury* or *Sarum*.

THE same thing in substance is advanced by *Hector Boece*, in his *History (fol.* 298(2)), and more distinctly by his translator, *Bellenden*;(3) and in all appearance, both of them took the story from *Blind Hary*, author of *Wallace's Book*, who lived about forty years before *Boece* wrote his *History*.

BUT whencesoever they had this tale, 'tis absolutely false that king *Edward I.* was the author of introducing the usages of *Sarum* into *Scotland*, or that they were brought in by violence. The contrary is easily demonstrated, to wit, that these usages were brought into *Scotland* long before king *Edward's* time, and that they were brought in and settled by our own bishops, *proprio motu*, or at the earnest request of their canons and chapters.

(1) [The byschoprykis inclynyt till his croune,
Bathe temperalité and all the religioune.
The Roman [bukis] that than was in Scotland,
He gart be brocht to scbam [Schon ?], quhar thai tham fand;
And, but radem, thai brynt thaim thar ilkan;
Salysbery oyss our clerkis than has tane.
Jamieson's Bruce and Wallace, vol. ii., p. 311. Edinb. 1820.]

(2) [Edit. 1575. "Libros sacros Anglico ritu conscribi iussit, vtque eos solos haberent, edixit."]

(3) [Book xiv., ch. vii. "He brint all the Cronikles of Scotland, with all maner of bukis, als weill of devine service as of othir materis; . . . . . He gart the Scottis write bukis efter the use of Sarum, and constranit thaim to say efter that use." Vol. ii., pp. 377, 378. Edinb. 1821.]

THIS is evident as to the church of *GLASGOW*, the only cathedral of *Scotland*, whereof many of the old records escaped the *Knoxian* flames. For *Herbert*, bishop of *Glasgow*, who was consecrated bishop, *A.D.* 1147, and died *A.D.* 1164, first settled the usages of *Sarum* in his church; and this settlement, with the other old privileges of *Glasgow* (such as the free election of their bishops by dean and chapter) was confirmed by a bull of pope *Alexander III.*, *A.D.* 1172, whereof we have still the original signed by that pope and the cardinals.(1) And if you were curious, you might probably find it as yet in that pope's register at *Rome*, dated 8 *Kalend. April. pontificatus a°* 14°.

THESE usuages of *Sarum* were afterwards, together with the other privileges and liberties of *Glasgow*, often confirmed by the rescripts or bulls of popes, concessions of bishops, decrees of the chapter, and grants of our kings, particularly of king *James IV.*, who was himself honorary canon of *Glasgow*, as the kings of *France* are of *St. Martin* of *Tours*.

FOR a proof of that, I send you here a short note of what concerns this subject, taken from an exact copy which my brother caused make many years ago of the remains of the records of *Glasgow*, which our second founder, *James Bethune*, the last catholic archbishop, saved and brought over with him hither.(2)

AN original letter of the dean and chapter of *Salisbury* to the dean and chapter of *Glasgow*, written at their earnest desire, containing an account of the liberties and privileges of *Salisbury*, dated *A.D.* 1259.

ORIGINAL charter of *William*, bishop of *Glasgow*, *A.D.* 1258, containing a grant of the liberties and usages of *Sarum*, to the chapter of *Glasgow*.

STATUTE of the chapter of *Glasgow*, confirming this grant, *A.D.* 1258.

A bull or rescript of pope [*Gregory*] *X.*, confirming the usages of *Sarum* to *Glasgow*, *A.D.* 1274.

ANOTHER rescript of this pope to the same purpose, *A.D.* 1275.

STATUTE of *Glasgow* chapter *sub juramento* to same purpose, *A.D.* 1325.

BULL of pope *Alexander VI.*, 1493, to same intent.

ORIGINAL letters of king *James IV.* to the chapter of *Glasgow*, confirming their old usages, *A.D.* 1491.

As to the church of *ST. ANDREW'S*, I have seen an old *MS. Missal* entire, belonging to my lord *Arbuthnot*, containing the ordinary service

(1) [It is printed in Sir James Dalrymple's Collections concerning the Scottish History, pp. 367–369. Edinb. 1705.]

(2) [The Scots College at Paris.]

of that church, entirely conformable to the usages of *Sarum*. What time they were first received in it, the loss of the ancient records of that metropolitan church leaves us in the dark.

In the cathedral chapter of *MURRAY*, in the statutes contained in the ancient chartulary *(in Biblioth. Jurid. Edinb.)* of that church, it was decreed, *A.D.* 1242, by bishop, dean, and chapter, *Ut in divinis officiis · in psallendo · legendo · et cantando · ac aliis od Divina spectantibus servetur ordo qui in ecclesia* Salisbyryensi *esse noscitur institutus.*(1)

The ancient lives of the bishops of *Dunkeld (in Biblioth. Jurid. Edinb.)* confirm the same as to *DUNKELD*. For, giving account of the life and actions of bishop *Galfrid*, who died *A.D.* 1249, they say of him, *Novam fecit erectionem ad instar Ecclesiæ* Sarum.

You see this was long before king *Edward the First's* invasion.

We have here an entire copy of the *Breviary of ABERDEEN*, in two volumes, in 18mo. It was printed at *Edinburgh* by the care of good bishop *Elphinston*, who founded the *University* of *Aberdeen*. The date of the printing is curious, and honourable to *Scotland*, in these words: *Kalend. Februar. a Christo nato anno nono supra millesimum et quingentesimum: imperii Jacobi Quarti Scotorum Regis illustrissimi duobus supra annis viginti.*" This is the most ancient printed book in *Scotland*, and the only I have seen of the kind printed in our country. It appears that our churchmen, to save the expense of printing, made use generally of liturgical books, either *MS.* or printed in *France* or *England;* but all of them *secundum usum Sarum*, adding only to the kalendar the names of our local saints in write. Of which kind we have two *Missals* in our library, one of which, given me by bishop *Gordon*, had belonged to Mr. *James Gordon*, the last chancellor of the church of *Murray*, and in that quality the last catholic pastor of *St. Peter* of *Inerawin*,(2) which was the parish where I served in *Scotland* three years.

In a word, all the *Scots Missals* or *Breviaries* I ever saw (and I believe I have seen most of them that escaped our reformers' burning zeal), are all *secundum usum Sarum;* and so, without doubt, these usages continued among us till the *Knoxian* reformation.

The same usages were followed by most of the churches in *England*, even by that of *Canterbury*, but the church of *York* had proper usages of its own, of which I have seen some parts; but our countrymen took care to

(1) [Registrum Episcopatus Moraviensis, p. 109. Edin. 1837.] (2) [Inveraven.]

borrow nothing from *York*, lest the aspiring prelates of that see might take advantage from it to strengthen their claim over our church: which, upon a thorough examination I made formerly of that pretension, I found to be groundless.

V.

COPY LETTER FROM THE UNIVERSITY OF GLASGOW TO THE SUPERIOURS OF THE SCOTS COLLEGE AT PARIS. DATED MAY I., OLD STYLE, MDCCXXXVIII.

Reverend Gentlemen,

IT is matter of no small regret to us of this university that we have been so long without any correspondence with our countrymen of your college in *Paris*. With great pleasure we lately found by your correspondent, the reverend Mr. *Alexander Drummond*, that you still retain an affectionate regard to this country and this university; upon which we joyfully embraced this opportunity of saluting you all in the most affectionate manner, and of requesting the favour of a correspondence with you about any thing which may relate to the history and antiquities of our country. In particular, we request that you may deliver either to the bearer hereof, Mr. *Robert Foulis*, or send by any safe conveyance to the reverend Mr. *Alexander Drummond*, at *Drummond* castle, in *Perthshire*, that copy of a charter of king *Robert II.*, confirming the legitimacy of our royal family, which is mentioned in *Mabillon* as intended for this university; and that you may allow us, at our own charge, to obtain a notarial copy of the chartulary of *Glasgow*.

You would further oblige us exceedingly by informing us of any other original papers of consequence as to the history of this country, diocese, or university, which we could have access to, to take notarial copies at our own charges; and we shall always [be] fond of expressing our gratitude to your college for these favours, and of making any return in our power. This, by order and in name of this university, is subscribed by,

Reverend Gentlemen, &c.

VI.

ANSWER TO THE ABOVE LETTER BY MR. THOMAS INNES.

Much honoured,

It was with a most singular satisfaction that the superiours of this college received, by Mr. *Robert Foulis* and his brother, the honour of a letter, of first *May* last, in name of your university of *Glasgow*, of which we had had intimation some time ago by the Rev. Mr. *Alexander Drummond*, a learned churchman of your diocese, and one of the most ancient members of this college.

Though our gentlemen here have not as yet done themselves the honour to answer the letter of the university, which came late to their hands, I make no doubt but Messrs. *Foulis*, who brought it to us, will have done us the justice to inform you of the kindly and respectful acceptance that the letter met with from all in this college, and that no time hath been lost in making ready to be sent to the university such copies of ancient pieces as more immediately relate to it.

And, in the first place, we send the authentic copy of *Charta Roberti Seneschalli Scotiæ*, *A.D.* 1364. This famous charter, originally belonging to the metropolitan church of *Glasgow*, we thought it a piece of justice to cause draw up an authentic copy of it, with all the subscriptions and seals of the learned antiquaries who were the judges of its authenticity, and of all the noblemen and chief gentlemen of our country who were at that time in or near this city, and were, upon the invitation of the late Mr. *Lewis Innes*, my brother, then principal of this college, all present at the solemn assembly holden on purpose for examination of the authenticity of the charter. This copy we set apart at the time, and have carefully kept it ever since, these fourty-four years bygone, waiting for a favourable opportunity to present it to the university, which, by reason of the aversion, as we were told, of the leading men of that city to all of our communion and character, we never could meet with till of late. That my brother being deceased, I am the only person now alive who am more acquainted with the records of *Glasgow*, and have been at most pains in conserving them, and endeavouring to draw from them what light I was able, towards the

history of our country, and in particular, of the ancient state or principality of *Cumbria* or *Cambria*, in which *Glasgow* is situated; and being now of a very advanced age, it is no small satisfaction to me, before I die, to learn, by the letter of the university, and by the two gentlemen bearers of it, that the aversion to those of this house and of our community is wearing away, at least among the more learned and more polite inhabitants of that metropolis. And this is no small encouragement to me, notwithstanding my infirmities, to give you a short account of the records of *Glasgow*, of the care taken to preserve, and of the use that hath been made of them since they came into our hands.

The records of the church of *Glasgow*, saved, as every body knows, from the flames that consumed generally the records of all other cathedrals of *Scotland*, at the *Knoxian* reformation, were, by the most reverend *James Bethune*, last catholic archbishop, brought over to this city, and, at his death, *A.D.* 1603, they were deposited, with some old silver statues and the archbishop's own papers, partly here, but the most part in the *Carthusians* of *Paris*, whom he had appointed the overseers of the foundation which he had made in this college for the education of the youth of this country; for which reason he is justly reckoned our second founder, the first having been a bishop of *Murray*, under king *Robert* the *Bruce*.

These records remained many years in great confusion, locked up in the trunks in which they were brought over. Our predecessors, looking on them barely as they related to the ancient privileges, rights, and possessions, of the church of *Glasgow*, saw little or no use of them, since the exercise of the catholic religion (for the maintenance of which they were all at first intended), was more strictly interdicted by new laws in *Scotland* than in any other country, and these laws more rigorously put in execution in *Glasgow* than in any other city of the kingdom; so our predecessors contented themselves to take great care of the preservation of these records for better times, according to the good prelate's intentions; but it appears not that they were at any pains to look into them, which, indeed, was not easy for them to do, not being acquainted with the ancient unusual character in which they were most part writ.

It was only since my brother, our late principal, came to be in place, that the remains of the archbishop of *Glasgow* were more carefully looked into, examined and digested, into better order. And, in the first place, the archbishop's own papers containing his negociations for queen *Mary*

and king *James VI.* (which had been more neglected and exposed, and some of them carried away by curious people), in order to preserve what remained of them, were put in order, and digested into the order of time, and bound up in several volumes.

My brother's next care was of the records of *Glasgow*, the ordering of which we began about *A.D.* 1692. It was in reviewing these ancient records that we discovered first, in one of the chartularies, a copy enregistrated, and afterwards the original itself, of the *Charta Roberti Seneschalli Scotiæ*, by which the legitimacy of king *Robert III.* is evidently proved. This famous charter, my brother carried out to *St. Germains*, and shewed it to the late king *James VII.*, and communicated copies of it to our nobility and gentry then at his majesty's court: among others that saw this copy, was Sir *James Montgomery* of *Skelmorly*, who was lately come over to the king. Upon reading the copy, and remarking how it plainly contradicted in this fact all our vulgar historians, *Boece*, *Buchanan*, &c., Sir *James* went immediately, in great passion, back to *St. Germains*, and obtaining audience of the king, begged of his majesty to give no countenance to this charter, as being, says he, undoubtedly a manifest forgery of ours. But Sir *James* being in this contradicted by those of the nobility who had seen the original, it was resolved that the authenticity of the record should be impartially examined by the most famous antiquaries of *France*, such as the keepers of the king of *France's* library, the procurators-general of the *chambre des comptes*, or keepers of the records of *France*, by Father *Mabillon*, M. *Baluze*, and others, the most versed in ancient records, and this in presence of our nobility and gentry, and among others, of Sir *James Montgomery*.

This was accordingly done in a very solemn assembly holden in the famous abbey of *St. Germain de pres*, at *Paris*, upon the twelfth *January*, 1694. And the authentic record we have the honour to send you, with all the original subscriptions and seals, was the result of this assembly, and nobody was more frank and forward to put his hand and his seal, as you will see, than Sir *James Montgomery*, when he had considered with the greatest application the original on all sides, and heard the learned observations of the antiquaries. I thought proper to give you this account of this fact, at which I was present, and this having chiefly given occasion to the verification of the record.

Together with this authentic copy of the *Charta Roberti Seneschalli*,

destinated to your university from the beginning, we send some printed copies of a *Dissertation* upon it that we published at the same time, which it seems the gentlemen of your university had not seen, since they quote Father *Mabillon's* work for the destination of this authentic copy to the church and university of *Glasgow*, which is so plainly marked in the preface to this *Dissertation;* which being published the first on the subject, no wonder that it is so lame and imperfect, we having then no other proofs but those taken from the records of *Glasgow*, and a few passages of Sir *George Mackenzie's Jus Regium*, to proceed upon. But this short *Dissertation* of ours, having awaked our countrymen to enquire into the grounds of a story so injurious to the royal family of *Scotland*, hath engaged the learned both of *Scotland* and *England* into a farther search of records relative to the subject, whereof no small number hath been found, all of them quite opposite to the account of our historians, (though none of them so formal as this record of *Glasgow.)* Dissertations have been also published, by all which the falsehood of the account given by our vulgar writers of the marriages of king *Robert II.*, and of the birth of his son *(John Fernyear)* king *Robert III.*, are put in such evidence, that I believe no man of learning or probity will hereafter ever cast it up again.

Besides the authentic copy of the *Charta authentica Roberti Seneschalli*, our gentlemen here are preparing to be sent to the university a public instrument, before two notaries, containing exact copies of the bull, and charters of its foundation, taken from the authentic chartulary of *Glasgow*, together with what few pieces are to be found among what was brought over here of the records relative to its funds or revenue; of all which they will do themselves the honour to write, in answering the letter of the university.

But I am sorry to tell you that, having frequently perused all the records of *Glasgow*, brought over to this place by archbishop *Bethune*, I never could find either the original records of the foundation of the university, or any other account of its funds and rents, but the little you'll have in three notarial acts of *Cuthbert Simson*, notary and scribe of the chapter, which we are to send you, copied faithfully from the original minutes.

But as to archbishop *Bethune*, if the circumstances to which he was reduced when he left that kingdom be considered, it will easily appear that it was not possible for him to have any thing belonging to the university but those we are to send you. What he saved of the records of his

church, and some old silver statues (of which you'll find account in the third volume of Dr. *Mackenzie's History of our Writers*), was preserved from the fire, and rapacious hands of the time, by some of the canons, who remained faithful to him; but as to the college, the friar *Willox*, with those of his gang, possessed themselves of it, whilst the good archbishop (by the hatred that the leading men of those times had against him for his attachment to the old religion and to the queen regent) was the only bishop of *Scotland* who was not allowed so much as to return to take leave of his flock and his church, but forced away to *France*, in *July*, 1560, with the *French* soldiers. Of all which enough might be said; but perhaps 'tis better to cast a veil over the doings of those times, in which nothing but rapine, oppression, violence, and confusion, reigned in our poor country.

I am,

With sincere respect, &c.

P. S. I shall have the honour to send, by Messrs. *Foulis*, for the university library, a copy of the *Critical Essay on the Ancient Inhabitants of the Northern Parts of Britain, or Scotland*, published *A.D.* 1729; in which you'll easily perceive the concern the author takes in *Glasgow*, and in your western parts of the kingdom, by a short dissertation upon the ancient inhabitants of those parts, *page* 29, &c.

VII.

ANSWER BY THE SCOTS COLLEGE OF PARIS TO THE UNIVERSITY OF GLASGOW. OCTOBER XXII., MDCCXXXVIII.

Honorable Gentlemen,

YOU'LL have been informed by a letter which one of us wrote some weeks ago to the honorable *George Boyle*, esquire, rector of the university, as well as by Messrs. *Foulis*, who brought us your kind invitation to a friendly correspondence, with how great pleasure and respect we received your letter of first *May*, which was more agreeable and welcome to us, that it put an end, as we hope, to the long interruption of all corres-

pondence betwixt us, during about one hundred and eighty years, occasioned by the violent alterations made by factious men in the church and university of *Glasgow*, which in former ages had so much contributed to the honour of that city. Our kings themselves had preferred to be canons of *Glasgow* to all the other chapters of the kingdom, as you will see by a letter of king *James IV.*, whereof we send you an authentic copy: and *John Major* in his *History** informs us that the chapter of *Glasgow* was in so great reputation, that before the erection of the college of justice, or lords of session, the greatest causes of the kingdom were referred to the decision of this chapter; and some of our kings in their charters, whereof we send you one, gave to the church of *Glasgow* the honourable title of *Mater multarum gentium*,† by reason of the many different nations that of old inhabited these western parts (called of old *Cumbria*), and were all diocesans of *Glasgow*, as you may see in a short dissertation on the subject in the *Critical Essay on the Ancient Inhabitants of Scotland*, whereof we have the honour to send you two copies, one for the public library of the university, the other to be disposed of as you shall think fit, being now become very rare.

By the same Messrs. *Foulis*, we have the honour to send you also to the university, the authentic instrument and copy of the *Charta Roberti Seneschalli Scotiæ*, *A.D.* 1364, with all the signatures and seals of the antiquaries that were judges of its authenticity, and of the nobility and gentry of our country that assisted at the solemn assembly, *A.D.* 1694, in which its authenticity was examined and declared. This authentic instrument was by us destinated to the church and university of *Glasgow* from the beginning, as you'll see by the preface to the *Dissertation* which we published at the time, whereof we send you four copies of the few that remain: all these were set apart and, with the authentic instrument, kept here for the university these forty-four years, waiting a favourable time that we might have access to present them, and expect that they would be well received.

With these we send authentic and notarial copies of the three chief records of the foundation of the university, taken from the ancient chartu-

* Major, Hist. Scot., fol. 30.

† Charta Willelmi Regis, circa A.D. 1188.

larys, together with some authentic transcripts from the protocols of *Cuthbert Simson*, notary and scribe of the chapter of *Glasgow*, containing all we could find among the records of *Glasgow* of the ancient endowments of the university by the archbishops, among which you'll no doubt remark the act intitled *Collegium de novo fundatum*, by archbishop *Dunbar*, eighty-six years after the foundation of the university college.

As to the original records of the university, we have given the reason, in the foresaid letter to your rector, why archbishop *Bethune* was not able to save or bring over any of them, as he did, by good providence, the chief records of the church, with the seal of the chapter, and some old silver statues, all which are still in being, carefully preserved for better times, most part in the *Carthusians*, and some of the more curious records, together with the archbishop's own writs, in the archives of this college; of all which there is a pretty good account in Dr. *Mackenzie's History of our Scotish Writers, tom.* 3, *page* 464, &c.

Among other pieces, we send you some few faithful copies of some of the most ancient charters of the church and city of *Glasgow*, taken from the most ancient chartularys of *Glasgow*, especially the introduction of the old chartulary, written about five hundred years ago, and containing the best accounts of the antiquity of the church of *Glasgow*.

As to a copy of these chartularys, that is not possible at present to us to send; but without being at the trouble or expense, you may easily cause make one from a very exact copy containing not only the records contained in the chartularys, but others taken from the originals, about the year 1726, for the right honourable earl of *Panmure*, and still in the hands of the present earl, his son.

We cannot finish this letter without assuring you that no persons seemed to be more fitted, every way, towards reviving a correspondence betwixt your university and us, than the two Messrs. *Foulis*, whom we find young gentlemen of great genius and capacity, of a most social temper, and improved in learning beyond their age; and we owe them that justice to assure you that we have seen none of the young gentlemen of our country make better use of their time, during their short abode in these parts, and of all their moments, towards all persons and exercises that might improve them, to be able one day to do honour to your university, and make a good figure in the learned world.

We have only to add, that, as in order to re-establish a friendly correspondence, we have endeavoured here to omit nothing that depended upon us in answering the university's demands, and in shewing all the kindness we could to the two young gentlemen that brought us your letter, so you'll be so good as to shew favour and kindness to those of our character and communion that may happen at any time to resort to your city or university, and to do us the justice to believe that we are with singular affection, esteem, and respect, &c.

VIII.

LETTER FROM JAMES INNES OF DRUMGASK TO MR. LEWIS INNES.

For Mr Lowis Innes att
the Scots Colledge off Paris.
Thes

Drumgask 7 Maij 1683

1683. 17. May. My father.

Dear sone

I receved yours but this day daited the twenty fourth of February wherin ye challenge me for long silence which, if all myne came to your hands I should have greatter reason to challenge you, however I am glad to hear that you are all weell. Your mother and I hath bein and is a litle tender, this tuelve month bygone, I belive the reason is our old age, God grant ws grace we may make a good wse of our tyme, let ws hear more frequentlie from you becaus it is a wery great comfort to ws, since we cannot hawe the satisfaction to sie it is a great confort to ws to hear of your weelfare, I shall earnestlie entreatt you to doe all that lyes in your pouer to befriend the bearers hierof in particularlie Floors son whose grandfather and father was my dear comarads and cousins, and is the goodwyffe of Milln of Gellans nephew, Milln of Gellan and his wyffe has ther lowe presented to you, who was preseint heir with Mr Lesslie at prayers, I shall not trouble you more at present, Your mother and I has our love remembred to you, your brothers Charles Francis Elizabeth and John, has there respeccts remembred to you, I shall entreatt you to dispach your brothers letters with your convenience, and if ye gett any

lyne from them to me send them with your first convenience which is all I shall say til I hear from you but that I am

Dear sone
Your most affecctionatt and
loving father till death
JA : INNES

I pray you present my best respeccts to Mr Whytford to whom I am wery much oblidged to

IX.

ADMISSION OF MR. LEWIS INNES AS ALMONER IN ORDINARY TO THE QUEEN MOTHER.(1)

Regal Papers. Warrant Almoner.

In obedience to her Majestie the Queen Mothers warrant to me directed, I have sworne, and admitted Mr. Lewise Inese into the place, and quality of Almoner in Ordinary to her Majesty, to enjoy the said place with all profitts, priviledges, and advantages thereunto belonging, in as full and ample manner as the same is usually held or enjoyed. Given under my hand, and seale this eleauenth day of November 1701. and in the first yeare of the Reigne of our soveraigne Lord King James the Third.

J STAFFORD

X.

THE KING(2) TO CHARLES INNES OF DRUMGASK.

James R.

St Germains 26 April 1711 James R

In consideration of the seruices render'd to the King my father of blessed memory, and to myself by Mr Inese almoner to the Queen, and also in consideration of the seruices and sufferings of his brother Charles Inese of Drumgask, I promise to cause pay to the said Charles, or to his heirs two thousand pounds sterling, and till he receiues that

(1) [Maria D'Este, the Queen-consort of King James II.] (2) [The Chevalier de St. George.]

summ in one payment that he shall be paid two hundred pounds sterling yearly. J R.

St. Germains April 26. 1711.

XI.

ADMISSION OF MR. LEWIS INNES AS ALMONER TO THE KING.(1)

These are to certify that I by vertue of his Majestys warrant directed to me and dated the 30th of November last past have sworn and admitted Mr. Lewis Inese into the place and quality of Almoner to the King. To have and to hold the said place with all the fees, salarys, rights, privileges, precedencys and advantages thereunto belonging in as full and ample maner as any Almoner of the precedent Kings of England has enjoyd. Given under my hand, the 23d of December 1713 and in the 13th year of his Majestys Reign. DOM : SHELDON

Vice Chamberlain.

XII.

APPOINTMENT OF MR. LEWIS INNES AS ALMONER TO THE KING.(1)

James R.

Our will and pleasure is, that you forthwith swear and admit our trusty and well beloved Mr. Lewis Inese into the place and quality of our Lord Almoner; to have and to hold the said place with all the fees, sallarys, rights, priviledges, precedencys and advantages thereunto belonging in as full and ample manner as any Lord Almoner of our predecessours Kings of England have heretofore held or enjoy'd the same. And for so doing, this shall be your warrant. Given at our Court at Bar-le-Duc the 17th of March 1714. and in the 13th year of our Reign.

Mr Lewis Innes made Lord Almoner to the King.

By his Majesties command.

THOMAS HIGGONS.

To our right trusty and welbeloved
Dominick Sheldon Esqr.
Vice-Chamberlain of our House-hold.

(1) [The Chevalier de St. George.]

XIII.

THE KING(1) TO MR. INNES.(2)

Rome. April 30th. 1737.

Mr Inese.

Rome 30 April 1737 James R

The visits of the Holy Days, and The Princes journey, have left me little time for some days past, But however I will not delay acknowleging the receipt of your two letters of the 1st and 15th. And desire you at the same time to make my kind compliments to Dr Ingleton in return to his letter of the 8th. I wish him truely well, and am much concernd his health is no better. I remark what you say of two writen promises under my hand, I can assure you it will be always a pleasure to me to perform them when the time comes, and to do all that is kind in favor of your College, and of your Family. It is certain I cannot turn my thoughts too seriously towards considering of the proper measures to be taken by me in many particulars upon my Restoration, And what has or may come from you on such subjects may be as useful, as it will be always acceptable. The Prince parted yesterday morning from hence, and will I reckon be two great months away, if my endeavors for his serving the campaigne in Hungary dont succeed, ffor if they do, he will pursue his journey thither from Venice, and I heartily wish he may, as I am sure you will, and as every body must who wish me and my cause well. Mr. Edward Diccon-son is not yet arrived here; I should be glad to know what original letters or writings of The King my Fathers you have in your College, or you may know are extant elsewhere?

The Duke is I thank God, much better, and I am well enough, and always full of sincere kindness for you.

James R.

(1) [The Chevalier de St. George.] (2) [Probably Mr. *Lewis* Innes.]

XIV.

THE KING(1) TO MR. THOMAS INNES.

Rome. February 25th. 1738.

For Mr Thomas Inese.

The news you give me in yours of the 3d of your brothers death, was a subject of no surprize, but of true concern to me, having lost in him a most faithful servant, who joynd capacity and zeal in my service, which are not always found in the same person. In failleour of so worthy a person, it is a satisfaction to me that the papers he had in his custody belonging to me, should remain under your care and that of your nephew Mr George Innes, because I am persuaded that both of you will have the most exact attention in all that relates to that particular. The just value and kindness I had for Mr Lewis Innes, will always engage me to have a particular consideration for you, as it will be an additional motive to me, to favor and befriend on all occasions The Scots College at Paris.

The King. 25 February, 1738.

James R.

XV.

THE KING(2) TO MR. HENRY INNES.

Florence the 18th July, 1777.

For Mr Henry Innes Procurator of the Scotch College of Paris.

Mr Innes,

I received in due time yours of the 9th June, and do not in the least doubt of your following the futsteps of your ancestors, ho were subjects I nue already that the late King my Father had a particular reguard for; It guives me a real pleasure to here how your new Principal is so well quallified to remplece the moste worthy decesed Mr Gordon, whose death gave me concern, as it was a great loss to ower Scotch College at Paris; my good wishes being always for their welfere, assuring both you, and them, of my protection; so remain your sincere friend,

Charles. R.

(1) [The Chevalier de St. George.]

(2) [Charles-Edward, son of the Chevalier de St. George, and grandson of King James II.]

XVI.

THE KING(1) TO MR. HENRY INNES.

Florence the 13th February 1778.

Florence the 13 February 1778 Charles R

For Mr Henry Innes,
Procurator of the Scotch Colledg at Paris.

Mr Henry Innes,

I accept kindly your expressions of zeal and loyialty, joined with those of our Scotch Coledg at Paris, being persuaded that they are sincere; so both you and them may be always assured of my particular reguard and protection; your sincere friend,

CHARLES. R.

XVII.

LA DUCHESSE DE ALBANIE.(2)

À Rome ce 18. avril 1787.

a Rome la 18. April 1787 la duchesse de Albanie

Je vous remercie bien sincérement, Monsieur, de la part que vous avés prit à má maladie et de tout ceque vous me dite d'obligent sur mon retablissement, je suis extremmement sensible parceque je connois depuis lóngtems la sincérité de vos sentiments, soiés bien assuré de toute má reconnoissance ainsique de celle que [le Roi](3) mon Pere me charge de vous témoigner pour le souvenir et l'attachement que vous lui conservé.

Mà mere ne vous à point oubliés auprés de moi vous pouvés en être persuadé

Je desir de tout mon coeur les occasions de pouvoir vous convaincre, Monsieur, de l'estime particuliere avec laquélle je vous suis bien veritablement attaché.

LA DUCHESSE D'ALBANIE.

(1) [Prince Charles Edward.]

(2) [The illegitimate daughter of Prince Charles Edward.]

(3) [The words "le Roi" are interlined in the handwriting of the duchess; the rest of the letter, the signature excepted, is written by another hand.]

XIV.

THE ORDER OF COMBATS FOR LYFE IN SCOTLAND.

THE ORDER OF COMBATS

FOR LIFE IN SCOTLAND

As they are anciently recorded in ane old Manuscript of the Laws Arms and Offices of *Scotland* pertaining to *James I.* King of *Scots.*

With the Office and Priviledges the *Constable* and *Marshaell* hes in them.

[¶ *In what sort the day of Combat was appoynted.*]

Cap. I.

FIRST, the cartell or bill of quarrell, als weill of the Challengers behalf as of the Defender's, was brought into the court, befor the Great Constable. And when the truth of the caus could not be proven by witness nor otherways, then was it permitted the same should receive tryall by fforce of arms; the one partie by assailing, and the other by defending. The Constable, as vicar generall to the King, assignd the day of battell, which was to be performed within ffourty days nixt following; wherto both the Challenger and Defender condescendit. Then wer the combatants commandit to bring in sufficient pledges for surety that they and every one of them should appear and perform the combat, betuixt the sun ryseing and gooing doun of the day appoynted, for the acquytall of their pledges; and that they, or any of them, should not doe or cause to be done any molestation, dammage, assault, or subtilty, against the person of his enemie, either by himself, his ffreinds, his followers, or any other person whatsomever.

¶ *In what sort the King comanded the place of Combat be made.*

Cap. II.

THE Kings pleasur being signified to the Constable, he caused lists or railes to be made and sett up, in lenth sixty paces, and in breadth ffourty. The place wheron the lists wer appoynted were ever upon plain and dry ground, without riggs, hills, or other impediments. At either end of the lists was made a gate or entrie, with a strong barr to keep out the people. For guarding of either gate, the Constable appoynted ane serjeant at arms, comanding him not to let any man approach within ffour foot. The one gate opened towards the east, being strongly barrd with a raile of seven foot long, as noe horse could pass over or under the same.

¶ *In what sort the King did sitt to behold the Combat.*

Cap. III.

ON the day of battell, the King used to sitt on ane high seat or scaffold, made for the purpose, at the ffoot wherof was ther ane other seat made for the Constable, who calld befor him the pleges, als weill of the Defendent as of the Challenger, to be shouen and presented to the King; there to remaine within lists, as prisoners, untill such tym as the Challenger and Defender wer come, and had performed all ther ceremonies.

¶ *In what sort the Challenger used to present himself to combat.*

Cap. IV.

THE Challenger used comonly to come to the east gate of the lists, and brought with him such armours as wer appoynted by the Constable, and

wherwith he determined to fight. Being at the gate, he stayd till such tym as the Constable arose from his seat, and went to him. He being come to the said gate of the lists, and beholding the Challenger ther, the Constable sayd, *For what caus art thow come hither thus armed? And what is thy name?* Unto whom the Challenger ansuered thus: *My name is A. D., and am here come, armed and mounted, to perform my challenge against G. D., and acquitt my pledges; wherfor I humbly entreat your Honour this gate may be opened, and I suffered to perform my intent and purpose.* Then the Constable did open the visor of his headpiece, to see his fface, and therby to know that man to be he who makes the challenge.

These ceremonies ended, the Constable comanded the gate of the lists to be opened, wherat the armed man, with his necessaries and councill, entred. From thence he was brought befor the King, wher he remained untill such tym as the Deffender was come hither.

In lyk maner the Defender compearing, did make requeist unto the Constable, desyreing that he would be pleased to delyver and discharge his pledges. Wherupon the Constable, aryseing from his seat, did humbly entreat the Kings Majestie to release them, becaus the Defender is already come, and presented befor his Majestie, ther to perform his duty.

But in cace the Defender did not come at tym convenient, in the day appoynted, then did the King delyver his pleasur to the Constable, and he reported the same unto the Marishall, who ffurthwith did give order unto the liuetenant that the Defender should presently be called to appear, by the Herauld Marischall, after this maner:

OIEZ! G. D., Defendant in this combat! Appear now! ffor in this day thow hast taken upon thee to acquitt thy pledges, in presence of the Lord Constable and Marishall; And also defend thy person against A. B., who challenged thee to mentaine this combat.

This proclamation was made thryce at the end of the lists. But if, at the second tym, the partie appeared not, then the Herauld did add these words:

The day passeth, and therfore come without delay!

And if in cace the said Defendant appeared not befor noon, but stayed untill the third hour after, then did the Herauld, by comandment of the Constable, in the begining of the proclamation, say:

A. B., appear in haist, and save thyn honour! ffor the day is weill near spent wherin thow did promise to perform thy enterpryse!

I. It was also used, that the Constables clerk should in a book record the hour of the combatants appearing within lists, either on ffoot or horseback, in what sort they wer armed, of what collour their horses wer, and how they were furnished.

II. It was anciently used that the Constable moved the King in favor of the combatants, to know whither his Majesty were pleased to appoynt any of his nobility, or other officers of reputation, to assist them for councill in combat.

III. The Constable did survey the lances and other weapons, wherwith the combat should be performed, making them equall, and of even measur.

IV. The Constable also appoynted tuo knights or esquyres unto the Challenger, to keep the place ffree from impediments. The lyk was also done for the Defender.

V. The Constable did also move the King to know whither his Majestie in person would take the oaths of the ffighters, or give him authority to do it out of his presence.

VI. The Constable also did send the Marishall unto the Challenger and his councill, to make ready his oath, declaring that, after that ceremonie, all protestations should be voyd.

After these things, the Great Constable caused his clerk to bring furth the Book, wherupon the combatants were solemnly sworn.

¶ *The First Oath.*

Cap. V.

The Constable having causd the clerk read the Challengers bill, and calling him by his name, sayd, *Doest thow conceive the effect of this bill? Here is also thy own *glove of defyance. THOW SHALT SWEAR by the Holy Evangelists, that all things therin containd be true, and that thow shall mentaine it so to be upon the person of thyne enemie; As God shall help yow, and the Holy Evangelists.*

The oath thus taken, he was led back unto his former place; and the

* In some copies it is read *gauntelit.*

Constable did cause the Marishall produce the Defender, who took the lyk oath.

THE oath was ever taken, the parties kneeling, unless it pleased the Constable to pardon that duty.

¶ *The Second Oath.*

CAP. VI.

THE second oath was also indifferently proponed to ather of them, *That they had not brought into the lists other armour or wapons than was allowed; neither any engine, charm, herb, or inchantment; And that neither of them should put trust in any thing other then in God, and ther oun valours; As God and the Holy Evangelists should help them.*

THAT done, they wer both again sent to their places of entrie.

¶ *The Third Oath.*

CAP. VII.

THE combatants being again called, wer comanded by the Constable to take one the other by the hand, and lay their left hands upon the Book; which done, the Constable sayd, *I charge thee, A. D., Challenger, upon thy faith, that thow doe thyn outermost endeavour and fforce to prove thyn affirmation, either by death or denyall of thyn adversarie, befor he departeth these lists, and befor the sun goeth doun this day; As God and the Holy Evangilists shall help thee.*

THE very same maner of oath, in lyke maner used, was offered unto the Defender, and that done, the combatants returnd unto ther places with their ffreinds and councellors.

THESE ceremonies ended, the Herauld, by commandment of the Constable, did make proclamation at the ffour corners of the lists, thus:

OIEZ! OIEZ!

WEE charge and command, in the name of the King and his Constable,

that no man of what estait, title, or degree whatsomever, shall aproach the lists nearer than four foot in distance; none shall utter any speech, voice, or countenance, wherby either the Challenger or Defender may take advantage; upon pain of loss of lyfe, living, and goods, to be taken at the Kings good pleasur.

Tuen the Constable assignd a place convenient within the lists wher the King of Arms, Heraulds, and other officers should sitt or stand, and be ready if they wer call'd; ffor afterwards all things wer committed to their charge, als weill on the behalf of the Defender as Challenger; as if any thing were forgotten in ther confessions, either toutching ther lands or consciences, or that any of them desyred to eat or drink: All these wants were supplyed by the Heraulds, and none other.

But here is to be noted, That no meat or drink could be given to the Challenger, without leave ffirst asked of the Defender, who comonly did not deny the requeist: And, after, the Herauld went unto the Constable and made him privie therunto, desyreing the favour that the combatants might eat and drink, or ease their bodies if need were.

After these orders taken, the Constable and Marishall did avoyd the lists of all sorts of persons, save only one knight, and two esquyrs, armed, to attend the Great Constable; and tuo esquires only to wait on the Marishall; ather of them having in his hand a launce without a head, ready to part the combatants, if the King did command.

Of more ancient tym, the Constable used to have tuo lieutenents and four servants, and the Marishall one lieutenent and tuo servants, within lists; one part to keep order on one syd, and the rest on the other. And if the Queen hapned to behold the combat, then the Constable and one lieutenent, and the Marishall with none but himself, waited upon the Kings syd; and ther lieutenents attended on the Queen.

Then did the Constable alone, sitting doun befor the King, send his lieutenent to the Challenger to come unto him; and the Marshall accompanied the Defender.

The Constable thus sett, did pronounce this speech with a loud voyce,

Let them goe! Let them goe! Let them goe! and do their best!

Upon which words, pronounced in the Kings presence, the Challenger did march towards the Defender, to assaile him furiously, and the other prepared himself for defence the best he could.

In the mean time, the Constable, Marishall, and their lieutenents, stood circumspectly to hear and see if any word, sign, or voyce of yeelding were

uttered by ather of the ffighters; and also to be ready, if the King should command the launces to be lett fall, to depart the ffight.

Item, it belonged of old to the Constable to take heed that none of them should privily speak to other of yeelding or otherways; ffor unto the Constable appertaind the record and witnessing of all things.

And in cace the combat wer for question of treason, he that was vanquished should be furthwith disarmed, within lists, by commandment of the Constable; also, the weapons and armour of the vanquished was in one end of the lists defaced to his disgrace, and after the same drauen out togither with his horse; ffrom thence also the man vanquished was drauen out unto the place of execution to be there headed or hanged, according to the custom of the countrey.

The performance of the said punishment of treason on the bodies of the vanquished pertains to the Marishalls, who, at the Kings command, must see justice duely administrat.

If the combat wer only for tryall of vertew or honour, he that was overcome therin was only disarmed, and put out of the lists without furder punishment.

If it should happen that the King should take the quarrell into his hand, and agrie the parties without longer ffight, then did the Constable lead the one, and the Marishall the other, out of the lists, at severall gates, armed, mounted as they wer, haveing especiall regaird that neither of them should go the one befor the other; ffor the quarrell, resting in the Kings hand, might not be renewed, or any violence offered without prejudice to the Kings honour.

And becaus it is a poynt very especiall in matters of arms, that he, who leaveth the lists ffirst, incurreth a note of dishonour; therfor to depairt the lists in dew tym was ever precisely observed, were the combat for treason, or whatsomever cause els.

¶ *The Constables Fees.*

Cap. VIII.

THE Constable should have all the armours or weapons that are accustomed to have or hold ffree battell; that is to say, a spear, a sheild, a long

sword, a square sword, and a knyfe, with the haill jewells and rings the vanquisht had about him at his entring in quarrell.

¶ *The Marishalls Fees.*

Cap. IX.

THE fees of the Marishall were all horses, broken armour, or other ffurnitur that fell to the ground efter the combatants did enter the lists, als weill from the Challenger as from the Defender. But the more inward abulyiements pertaind to him that was victorious, whither Defender or Persewar.

The barrs, posts, railes, and every other part of the lists, wer also the ffees of the Marishall.

[¶ *The counter Lists.*]

Cap. X.

IT is also to be remembred, That without the principall lists were ever certain counter lists, betuixt which tuo the servants of the Constable and Marishall did stand. Ther stood, also, the Kings serjeants at arms, to see and consider if any default or offence wer committed contrarie to the Constables proclamation, against the Kings royal Majestie, or the law of arms. These men were ever armed at all pieces to keep the lists, and also to arreist and apprehend any the Constable or his lieutenent should command.

XV.

MEMOIR

OF

JOHN SECOND EARL OF PERTH.

A BRIEFE ACCOUNT

OF THE

LIFE OF THE RIGHT HONOURABLE JOHN EARLE OF PERTH,

EXTANT UNDER HIS OWN HAND.

AFTER my so long travelling, or rather wrestling, through the uncertainties of this unconstant world, it is high time now to look back, and call to minde our bygon escapes, which, although they seeme unrecoverable, yet to record the samein may perchance serve for exemple to others for eschewing the like inconveniences, since all prosperitie flowes from the Lords grace and favour, as disasters doe from ourselves.

I was, as has beeine often told mee, about five quarters old when my mother(1) departed this life, leaving after her six daughters and two sonnes in a hard condition be reason of her decease. Yet it pleased God so to provide for us, as few in the countrey had better fortunes.

Speciall care was taken of my elder brother, James Master of Drummond, his education, who proved therafter a verie fine youth. He was sent to France in *anno* 1598, where hee was bred at schooles and learned his other exercises: Hee returned home to England at King James his first coming there, and the next ensewing yeare was created Earle of Perth with the Earles Hume and Dunfermling, in March, 1605, (the date of the patent is *Apud palatium nostrum de Whitehall vndecimo die mensis Februarij*, 1605, *et regnorum nostrorum* 38° *et secundo, magnum sigillum appositum:* which Dunfermling has in keeping, and wee have onlie the extract under the clerk registers hand, who therafter was Chancellour Hay:)

(1) [Lady Elisabeth Lindsay, daughter of David, eighth Earl of Crawford, wife of Patrick, third Lord Drummond.]

And then was sent with the Lord Admirall of England to Spaine for concluding the peace betwixt these two kingdomes. Shortlie after that, hee was married to Ladie Isobell Seaton, the Earle of Wintowns onlie daughter, and then contracting ane hectick sicknes, he died in Seaton, in winter, 1611, and was honourablie buried there in the chappell, leaving onlie one daughter who was therafter married to the Earle of Sutherland.

I was all this while but litle regarded, unprovided by my father to anie considerable fortune, and sent to the school of Dunblain, where I was but careleslie looked to for the space of seven or eight yeares, my teachers being but ignorant persons, using their slavish discipline conforme to their own humors, teaching Ramus his grammar unprofitablie. My second sister,* (Lilies Ladie Fivie then maried to the Lord President of the Session, therafter Chancellour and Earle of Dunfermling), caused send for mee to Edinbrugh, where I stayed almost the space of two yeares. And when King James was proclaimed King of England, in the month of March, 1603, the colledge was neglected. So about August I went north with the said Lord President, who had invited my brother to Fivie. By the way wee were noblie entertained at Edzell and Crathus, and sundrie other places in the north. At the end of this yeare I obtained leave to goe for France, upon a verie meane allowance. My voiage by sea was both longsome and dangerous, being in the dead of winter. Our first landing from Leith was at Yarmouth, after five nights sailing; and therefra wee came to Dartmouth, where wee stayed three dayes; from that wee came to Brest in Brittanie, where wee stayed a whole month by reason of contrarie windes: Then after much labour and stormie agitations, wee arrived at the Ile of Rea, where I, with certain other passengers, quat our ship, and by boat came to Rochell, where, for the time, they were building their outmost walls, which since have been ruined and the town sacked. From that place I went by water to a litle town called Royan, at the mouth of Garronne, and so up the river by boat to Bordeaux, where I rencountred with Monsieur Balfour,(1) Principall of the College, and a great mathematician, who used mee verie kindlie, and in many things, as it were, bare my charges. I remained with him three yeares and above. Then I went to

* Shee departed this life at Dalgatie, leaving four daughters, who were all honourablie married to Lauderdale, Seaforth, Kellie and Balcarres.

(1) [A memoir of this learned Scot will be found in Dr. Irving's Lives of Scotish Writers, vol. i., pp. 234—246. Edinb. 1839. 8vo.]

Toluse, a faire citie, and stayed in companie with Monsieur Cadan or Kid,[1] a learned doctor in the lawes, and with Monsieur Red,[2] a doctor in physick. At this time, almost for a year I frequented the publick lectures of the lawes, not understanding anie thing else, nor having anie friend who could informe how the world went, so that I saw manie things, but observed litle, though I was alwayes in good companie, though unfit for mannaging of affaires, as beeing meere schollers, and careles of anie thing else. At lenth I went to Paris, where more was to be seen then in all France else, by reason of the King and courts abiding there, with all that great dependence.

In the next spring, 1610, Henrie the Fourth was preparing for warre, and had a great armie on foot: His pretence was for the Prince of Condies going to Flanders with his dame privilie, by his licence or consent, as was reported. But God dissipated all their designes by the stroak of a desperate villain called Ravaillack, who, without cause or offence known, killed his own Soveraigne Prince in Paris the fourteenth May, 1610, where I was for the time with sundrie other gentlemen of our nation, having seen the day before great magnificence and solemnitie at the Queens coronation in Saint Denis: Strange and remarkable contrarieties to have fallen out in so short a space!

About the beginning of August next, I took journey towards Scotland by England, where my sister (therafter Countesse of Roxbrough) was serving Qweene Anne; with whom I remained but a short space, and so went on to my native countrie, and forgathered with my brother at Seatown. The next day I saluted the Chancellour at Edinbrugh, and remained there and therabout all the ensewing winter. The next spring, my brother, the Earle of Perth, contracted a longsome sicknes, wherof he departed this life at Seatoun in December, 1611, to the great regrait of all who knew him: To whom I succeeded as heire of tailyie. The estate was but small, yet, by the help of friends and honest mannagerie, it proved better than was expected. At this time our Highlands were much disquited by the

(1) [Jacobus Cadanus, or James Kid, according to Dempster, a native of Dundee, "vir prodigiosae memoriae, ac infinitae inexhaustaeque lectionis, utraque lingua super hoc seculum facundus." Dempsteri Historia Ecclesiastia Gentis Scotorum, vol i., p. 193. Edinb. 1829. He was professor of law in the university of Toulouse, where, according to the author just cited, he died in 1612. See Dr. Irving's Lives of Scot. Writ., vol. i., pp. 241, 242.]

(2) [Doubtless the Dr. Reid to whom, as Dempster tell us, Kid or Cadamus bequeathed a portion of his valuable library. Hist. Ecclesiast. *l. c.*]

M'Gregors, and warrants were given out by authorite to suppresse them by all meanes possible. In the month of March, 1612, I came from Edinbrugh, to the Lord Balmerinos house in Fife, where I was friendlie entain'd, hee being then out of court and off the Session. Sir Alexander Drummond of Medope was with mee, my verie speciall good friend, to whose good counsell I was much obliged. (Hee was one among the worthiest of his Majesties honourable privie counsellors and Senators of the College of Justice. Hee departed this life on Sunday the eleventh Julie, 1619, leaving manie children, to whom hee rather bequeathed a noble commendation of his incorrupted vertue to be imitated then great patrimonie. In his verie rising hee died, and left, as it were, but a glance of his worthines: *fata viam, ratioque scopum.)* From that I went by Duncrub to Drummond, and remained some while there. In the meantime some dussein of the Clangregor came within the leach of the countrie, Robin Abroch, Patrick M'Inchater, and Gregor Gair being chiefs. This Abroch sent to my chalmerinlan, David Drummond of Innermey, desiring to speak to him. After conference, Robin Abroch, for reasons known to himselfe, alleaging his comrads and followers were to betray him, was contented to take the advantage, and to let them fall in the hands of justice. The plot was cunninglie contrived, and six of that number were killed upon the ground where I with certain friends was present: Three were taken, and one escaped, by Robin and his man. This execution raised great speeches in the countrie, and made manie acknowledge that these troubles were put to ane end, wherewith King James himselfe was well pleased for the time.

Immediatelie after this, I went to court, and stayed there seven or eight months, where I encountred manie seeming friends. My sister was verie kynde and beneficiall to me, so that my abode at court cost mee litle or nothing to speak of. About the midle of September, 1612, I returned to Scotland, and was at the parliament, where a meane taxation was granted for supplie of the Kings daughters marriage with the Prince Palatine on the Rhine. Alexander, Earle of Dunfermling, chancellour, was lord comissioner for the time: (Who also had beeine appointed Deputie and Viceroy sundrie times both in parliament and other comissions by his Majestie King James; being instructed with most vertues, learned and heroick qualities, as having spent a great part of his youth in the best townes of Italie and France, where all good literature was professed: A man most meek, just, and wise, deserving greater commendation then paper can containe. Hee

was thrice married; first to Lillias Drummond, second lawfull daughter to Patrick Lord Drummond; next to Gressel Leslie, eldest lawfull daughter to the Master of Rothes, father to this Earle of Rothes; and, lastlie, to Margaret Hay, onlie lawfull daughter to the late Lord Yester. After the age of sixty-seven yeares or therby, hee departed this life, to the great regrait of all honest men within the realme where hee lived, and to all others who knew his worth, in speciall to all his dearest friends, at Pinkie, the sixteenth June, being Sunday, 1622. *Nec cede adversis rebus, nec crede secundis.)*

After this I visited the Lord Roxbrough at his own house, and in September, the next yeare, 1613, I was married to his eldest daughter, Ladie Jane Ker, who came to Drummond, accompanied with her father and other speciall friends, at Hallowmas, remaining there but a few dayes. Among others was her brother, William Master of Roxbrough, a verie handsome and hopefull youth, who shortlie after went to France, and died at Somer, whose losse was the more regraited that he had no brothers. The next spring wee went to Dunblane, foreseeing that if anie ceremonie were to be used at the baptisme of our childe, it would be most commodious for us in that place. My wife being delivered of a sonne, August first, 1614, the Queene would needs have him called Henrie, the Countesse of Montrose being her Majesties deputie for that effect. The childe became a verie fyne boy, and well favoured, too much commended by all that saw him. About the eighth yeare of his age hee contracted a strange and various sicknes, the doctors of physick incapable to discerne or help the same, wherof hee departed this life; whom his mother followed the verie next month, in the end of October, 1622, leaving behinde her four sons, James, the eldest; Robert, the second, who died in France; John, the third; and William, therafter Earle of Roxbrough; and two daughters, Jane, Countesse of Wigtoun: and Lillias, Countesse of Tullibardin. My two eldest sones were sent to France some yeares after this, Dr. Olipher being their governour. My daughters were bred with my sister Roxbrough, some times at home, and then at court, till they were married. *Sed quorsum haec tam multa et frivola et tenuia?*

Although this narration may seeme idle in regard of thir times, all men being then at quiet, yet wee wanted not our own particular grievances, some time for one cause, and some times for another; so that in this life no man with reason can propone rest or securitie to himselfe, vexation of spirit

and vanitie often times molesting us. I had much trouble in settling of differences among friends and neighbours, to keep marches right; wherupon ther arose cumber and debates, the most troublesome wherof was with the Earle of Linlithgow about the marches of Glenartney, which was ended when his lands of Callender fell in to this house by purchase. I sold some lands and bought others for commoditie of our house, and lived reasonablie well, according to the times, without debosh or drinking, by diet, ane intolerable fault, and too much approven in this unhappie age. Happie are they who can eschew it in time with other enorme vices whatsoever!

All this while I lived a single life, causing breed my children with pedagogues both at home and abroad, in all vertue, according to their age. After my eldest sonne came from France, hee married[1] Ladie Anna Gordoun, eldest lawfull daughter to the Marques of Huntlie. Shee was a discreet and most worthie ladie. The forme of her *Last Good Night* to this world I have written in another paper.[2] Shee left onlie two sonnes and one daughter, of whose breeding, God willing, wee shall have a speciall care.

(1) [In 1639. "In the mean time, the lord Drummond is marryed to lady Ann, his [the Marquess of Huntly] eldest daughter, who was ane precise puritane, and therfore weill lyked in Edinburgh. This marriage was celebrated with great solemnitie. Many nobles and knights were there. Among the rest, the lord Gordone came frae Strathbogie to the samen, who had bidden there since August 1639." Spalding, Hist. of Troub. vol. i. pp. 177, 178.]

(2) [The paper alluded to seems to be the following, which is printed from a copy preserved along with the Memoir:

"As heroick deeds haue ever been held in admiration, and related to posterity for advancing vertue, so the directions and last words of eminent persons dying have justlie been transmitted to succeeding ages, not onlie for eternizing the authors name (if that wer possible) and gracing their memorie: But also that posterity might learne whom to follow and imitat in the lyk case, and in all virtuous behaviour: for although this age inclineth much to iniquity, and partiall dealing; yet is it not altogether so destitut of discretion and honesty, but notable exemples ar to be found for our instruction, if we could make right vse of the same, flowing even from our oun dearest friends whose worth can never be sufficiently recorded, nor yet admired enough by the beholders themselvs, far less by such as ar by report to be acquainted therwith: And although perfite eloquence be most requisite for such a relation; yet simple trueth needs no supplie or adminicle of ostentive language; being most sincere of itself, and alluring to be insinuated within understanding and upright hearts.

"This yeer, 1656, begouth with a great eclyps of the moon, and on the sixteenth of the same moneth there ensued a notable darknes of the sun; betwixt which two it pleased God to lay a notable affliction vpon this house, by calling to himself LADY ANNA GORDON, LADY DRUMMOND, eldest lawfull daughter to the late MARQUES OF HUNTLY, whose worth can never be sufficiently expressed; she always being most religiouslie disposed, and of a solid and strong wit, discreit towards all that had the hapines of her acquaintance, chaste, vertuous, forseeing, temperat, of a most excellent behaviour, and

A litle before this, great troubles fell out in this miserable and unhappie land, more by our own wilfull misguiding then from other violence offered us. The King is unjustlie dethroned; the kirk discipline is altered and abused; traffick is lost; and all pretended reformation turned to the worse, to our utter ruine and confusion, except that God miraculouslie doe help it. We are under the English command, and not so ill used by farre as wee deserve, although halfelie ruined *et agentes vitam precariam.*

comelie cariage without pryd or vaine ostentation: In a word no vertue was wanting in her wherof anie true Christian was participant. She lived with her husband about sexteen yeers, in all vnity, their love ever encreasing: lykas she gained more and more the favourable commendation of all her acquaintance, being weell and noblie bred from her youth: For she remained some few yeers with her mother the MARQUISE OF HUNTLY in France, where she was much respected and esteemed even by these who professed great skill in censuring good and ripe wits, as being quick and naturallie disposed for all honorable exercises both of body and mynd. In England she was in no less esteeme both by KING and QUEEN and NOBLES frequenting that court, never being named or mentioned but with due respect, as most free from all blemish of light behaviour wherto then it was thought too manie wer inclined, perchance vndeservedlie, envy always accompanieng the most illustrious persons. Yet she being capable of greatest fortune was humblie contented with her lot which God ordained for her, far beneath her worth, and true deserving: And albeit she had these enduements and perfections, which might haue invited her to live after a courtlie way, yet she chused rather to remaine, as it wer, solitarie at home in a quyet godlie and virtuous maner, then in ostentive conversation whatsomever. *Optima matronae laus latuisse probae.* But, becaus God thought us unworthie of so great a blessing, he withdrew her to himself on a Wednesday, the ninth of January, 1656, the eleventh day after she was delyver of a daughter, whom we called ANNA, after herself: And when we thought all danger was past, it was otherways decreed in Heaven, for finding herself grow sick she took from Doctor Paton some medicine which profited nocht: So her disease encreasing, after conference with her husband, she called for the whole houshold long before day and took her leave of them all, and everie one in particular, with that assurance and courage, as if she had been making for a short voyage to visit her friends. She spake to the servants kyndlie, and put them in mind to doe their ducty als weell for their own credite as their masters profite. She bade fairweell to her father in law, and to her husband, with notable kind expressions: Then calling for her young children, she blessed them and recommended them to God, since she was no more to help them, telling the assistents that instead of one ANNA she left them another young one: All this she did without anie signe or token of regrate, which was admirable, and no small greife to us for so great a loss, if so we might name it: Then when the minister had said a prayer, short while after she prayed herself most pertinently with earnest and perfite expressions, as none could speake better; After that she lay quiet a while, yeilding her spirit most devotlie to our Redeemer; Whom I beseech at His oun apointed tym to graunt us such deliverie, in all godlines, and faithfull assurance of our salvation; that as she now is, so we may remain, blessed for ever. AMEN.

"This is the short abridge of ane excellent subject, truelie recorded by him who was present, out of whose thought no thing earthlie is able to delet the sacred memorie of so lamentable a pairting, more hapie for her who is gone then for them she left in distress. *Non decessit, sed praecessit, in aeternum quietura, ubi fruitur, cum dilectis in Christo, Sabbato Sabbatorum.*

"Her funeralls was honorablie accomplished at the chapell of Innerpefrie, upon the twenty third day of January, 1656, manie speciall good friends accompanieing the same."]

This weak house where I am (forby the publick calamities), was first fyned by our Scots committee to thirty thousand pounds Scots, and that onlie for a visite made by my sonne to his cusin Montrose. Then the Protector layed on us (as was thought without just cause), other twenty thousand pounds Scots. All this was by his imprisonment, longsome, faschious and costlie; but God, I hope, will send remedie when hee thinkes time. No contentment had I all this while, but continuall crosses either at home or abroad; so that, *in praesentia, annum agens septuagesimum tertium, senectutis malis quasi fractus, portum exoptans, requiem in Christo sempiternam expecto.*

20° Junij 1657.

XVI.

BULLA URBANI IV.

PRIORI ET FRATRIBUS MONASTERII VALLIS S. ANDREE DE PLUSKARDYN CONCESSA.

A.D. M.CC.LXIII.

BULLA URBANI IV. MONASTERIO VALLIS S. ANDREE DE PLUSKARDYN CONCESSA.

URBANUS episcopus seruus seruorum Dei dilectis filijs Priori monasterij Uallis Sancti Andree eiusque fratribus tam presentibus quam futuris regularem uitam professis in perpetuum · Religiosam uitam eligentibus Apostolicum conuenit adesse presidium ne forte cuiuslibet temeritatis incursus aut eos a proposito reuocet aut robur quod absit sacre religionis infringat · Eapropter dilecti in Domino filij uestris iustis postulationibus clementer annuimus et monasterium Sancte Dei Genitricis et Uirginis Marie · Vallis Sancti Andree Morauiensis dioceseos in quo diuino estis obsequio mancipati ad instar felicis recordationis Gregorij · pape · predecessoris nostri sub Beati Petri et nostra protectione suscipimus et presentis scripti priuilegio communimus · In primis siquidem statuentes ut ordo monasticus qui secundum Deum et Beati Benedicti regulam atque institutionem fratrum Vallis Caulium in eodem monasterio institutus esse dinoscitur perpetuis ibidem temporibus inuiolabiliter obseruetur · Preterea quascumque possessiones / quecumque bona idem monasterium impresentiarum iuste ac canonice possidet / aut in futurum concessione pontificum largitione Regum uel Principum oblatione fidelium seu alijs iustis modis prestante Domino poterit adipisci firma nobis uestrisque successoribus et illibata permaneant · In quibus hec proprijs duximus exprimenda uocabulis · Locum ipsum in quo prefatum monasterium suum situm est cum omnibus pertinencijs suis · Ecclesiam sitam in villa que nominatur Durres cum decimis garbarum eiusdem loci et alijs omnibus pertinencijs suis · Jus patronatus quod in eadem ecclesia obtinetis · Decimas garbarum quas habetis in forestis que Pluskardin et Wthutyr uulgariter nuncupantur · Decimas quas habetis in molendinis positis in forestis eisdem necnon et

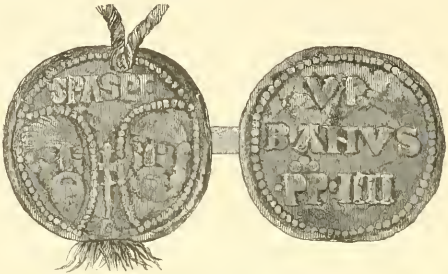
decimas de ferro quod in forestis foditur supradictis · Vsum piscandi cum viginti retibus quem habetis in flumine quod Spee uulgariter nuncupatur · Molendinum cum aquarum decursibus et omnibus pertinencijs suis quod habetis in villa que nominatur Elgyn · Terras et possessiones quas habetis in locis que Fernauay / Thulidoui / Kep / Kintessoch maiorem et Mefth uulgariter nuncupantur · Terras et foresta que habetis in locis que Pluscardin et Wthtitir uulgariter nuncupantur cum terris pratis nemoribus usuagijs et pascuis in bosco et plano in aquis et molendinis in uijs et semitis et omnibus alijs libertatibus et immunitatibus suis · Saue de ortis uirgultis piscationibus et pratis uestris ac uestrorum animalium nutrimentis nullus a uobis decimas exigere uel extorquere presumat · Liceat quoque uobis clericos uel laicos liberos et absolutos e seculo fugientes ad conuersionem recipere ac eos absque contradictione aliqua retinere · Prohibemus insuper ut nulli fratrum uestrorum post factam in monasterio uestro professionem · fas sit sine Prioris sui licentia nisi artioris religionis obtentu de eodem loco discedere · discendentem uero absque communium litterarum uestrarum cautione nullus audeat retinere · Ad hec etiam prohibemus ne aliquis monachus uel conuersus sub professione uestre domus astrictus sine consensu et licencia Prioris et maioris partis capituli uestri pro aliquo fideiubeat uel ab aliquo pecuniam mutuo recipiat ultra summam capituli uestri prouidentia constitutam nisi propter manifestam domus uestre utilitatem · Quod siquis facere forte presumpserit non teneatur conuentus pro hijs aliquatenus respondere · Licitum preterea sit uobis in causis proprijs siue ciuilem siue criminalem questionem contineant / fratrum uestrorum testimonijs uti · ne pro defectu testium ius uestrum ualeat in aliquo deperire · Preterea cum commune interdictum terre fuerit liceat uobis nichilominus in uestro monasterio excommunicatis et interdictis exclusis non pulsatis campanis suppressa uoce diuina officia celebrare · dummodo causam non dederitis interdicto · Obeunte uero te nunc eiusdem loci Priore uel tuorum quolibet successorum nullus ibi qualibet surreptionis austutia seu uiolentia preponatur · nisi quem fratres communi consensu uel fratrum maior pars consilii sanioris secundum Deum et Beati Benedicti regulam prouiderint eligendum · Paci quoque et tranquillitati uestre paterna in posterum sollicitudine prouidere uolentes auctoritate Apostolica prohibemus ut infra clausuras locorum seu grangiarum uestrarum nullus rapinam seu furtum facere · ignem apponere · sanguinem fundere · hominem temere capere uel interficere seu uiolentiam audeat exercere · Decernimus ergo ut

nulli omnino hominum liceat prefatum monasterium temere perturbare aut eius possessiones auferre uel ablatas retinere minuere seu quibuslibet uexationibus fatigare sed omnia integra conseruentur eorum pro quorum gubernatione ac sustentatione concessa sunt usibus omnimodis profutura · Salua sedis Apostolice auctoritate et diocesani episcopi canonica iusticia et in predictis decimis moderatione concilij generalis · Siqua igitur in futurum ecclesiastica secularisue persona hanc nostre constitutionis paginam sciens contra eam temere uenire temptauerit secundo tertioue commonita nisi reatum suum congrua satisfactione correxerit potestatis honorisque sui careat dignitate reamque se diuino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore ac sanguine Dei et Domini Redemptoris nostri Ihesu Christi aliena fiat atque in extremo examine districte subiaceat ultioni · Cunctis autem eidem loco sua iura seruantibus sit pax Domini nostri Ihesu Christi · quatinus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterne pacis inueniant · Amen—Amen ·

Ego URBANUS catholice ecclesie episcopus · S ·

Ego Symon tituli Sancti Martini presbiter cardinalis ·
Ego Ancherus tituli Sancte Praxedis presbiter cardinalis ·
Ego frater Guido tituli Sancti Laurencii jn Lucina presbiter cardinalis ·
Ego Guillelmus tituli Sancti Marcj presbiter cardinalis ·
Ego . . . . . episcopus ·
Ego Stephanus Prenestinus episcopus ·
Ego frater . . . . tituli Sancte Ruffine episcopus ·
Ego Radulphus . . . . . episcopus ·
Ego Henricus Hostiensis et Velletrensis episcopus ·
Ego Guido . . . . . episcopus ·
Ego Ricardus Sancti . . . diaconus cardinalis ·
Ego Octauianus Sancte Marie in Via Lata diaconus cardinalis ·
Ego Johannes Sancti Nicholai in Carcere Tulliano diaconus cardinalis ·
Ego . . . . . Sancti Adrianj diaconus cardinalis ·
Ego Jacobus Sancte Marie in Cosmydin diaconis cardinalis ·
Ego Gottifridus Sancti Georgij ad Velum Aureum diaconus cardinalis ·

Datum Apud Vrbem Ueterem per manum magistri Michaelis de Tholosa sancte Romane ecclesie Vicecancellarij · tertio · mensis Julij · Indictione · sexta · Incarnationis Dominice Anno · millesimo · ducentesimo · sexagesimo tertio · Pontificatus uero domini URBANI · pape · quarti · Anno Secundo ·



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THE END.

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