HISTORICAL MANUSCRIPTS COMMISSION.

FOURTEENTH REPORT, APPENDIX, PART III.

THE

MANUSCRIPTS

OF THE

DUKE OF ROXBURGHE; SIR H. H. CAMPBELL, BART.;
THE EARL OF STRATHMORE;
AND THE COUNTESS DOWAGER OF SEAFIELD.

Presented to both Houses of Parliament by Command of Her Majesty.

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REPORT ON THE MUNIMENTS OF HIS GRACE THE DUKE OF ROXBURGHE AT FLOORS CASTLE IN THE COUNTY OF ROXBURGH, BY SIR WILLIAM FRASER, K.C.B., EDINBURGH.

The noble and distinguished family of Roxburghe has held a prominent position in the borders of Scotland for upwards of five centuries. Like other ancient Scottish families they have had many vicissitudes and changes. Beginning as Border lairds holding the lands of Altonburn and afterwards of Cessford, the Kers gradually attained to the peerages of Lord Roxburghe, Earl of Roxburghe, and Duke of Roxburghe. But these high honours were not all acquired in the direct male line of the Kers of Cessford. They continued to be-commoners from the middle of the fourteenth to the end of the sixteenth century when Robert Ker of Cessford was created Lord Roxburghe in 1599. He was advanced in the peerage in 1616 with the title of Earl of Roxburghe. Up to that date the Kers of Cessford and the Lord and Earl of Roxburghe continued in the direct male line. But the first Earl of Roxburghe, having no surviving male issue and four daughters, made arrangements that the eldest daughter, Lady Jean Ker, should marry her cousin, William Drummond, of the family of the Earls of Perth, and inherit the title of Earl of Roxburghe. The Drummond Earls of Roxburghe continued in the direct male line till John, fifth Earl, was created Duke of Roxburghe. He was a prominent statesman, and held the important office of Secretary for Scotland at the time of the union between Scotland and England. The Drummond Dukes of Roxburghe continued till John the third Duke who died in the year 1804 unmarried. He was well known in the literary world and his name is commemorated in the Roxburghe Club. The titles and estates of Roxburghe then devolved on William, seventh Lord Bellenden, who was the direct heir male of William, second Earl of Roxburghe, whose fourth son John succeeded under a Crown resignation to the title and estates of his kinsman, William, first Lord Bellenden of Broughton, whose mother was Margaret Ker, sister of the first Earl of Roxburghe. William Lord Bellenden thus became the fourth Duke of Roxburghe. He did not live long after his succession, having died in the following year, 1805, leaving no surviving issue. After his death a competition arose for the titles of Duke and Earl of Roxburghe and the old family estates between Lady Essex Ker, daughter of the second Duke of Roxburghe, as heir of line, Sir James Norcliffe Innes, as heir male of the body of Margaret Ker, daughter of Harry Lord Ker, Major-General Walter Ker of Littledean, claiming as heir male of Robert Ker, first Earl of Roxburghe, and the Right Honourable William Drummond of Logiealmond, as heir male of the second or Drummond Earl of Roxburghe. This remarkable case occupied the attention of the Court of Session and the House of Lords for several years, and on 11th May 1812, the House of Lords, affirming the judgment of the Court of Session, decided in favour of Sir James Norcliffe Innes Ker, who became fifth Duke of Roxburghe, and was the grandfather of the present Duke.

The Roxburghe estates and peerages have thus been inherited successively by the families of Ker of Cessford, Drummond of Perth, and...
Bellenden of Broughton, and Innes of Innes. The costly litigation is said to have ruined General Ker of Littledean, although he was generally admitted to have been the heir male of the Kers of Cessford. His estate of Littledean was sold and now forms part of the beautiful estate of Lord Polwarth on the banks of the Tweed, opposite his principal residence of Merton House. The ruined Tower of Littledean is still a prominent feature in the landscape there. The tradition in the neighbourhood of Littledean is that General Ker died deep in poverty, and his funeral was meanly attended, mainly through his unsuccessful claim to the coveted Dukedom of Roxburghe.

Such is a general description of the long line of possessors of the muniments which are here reported. As they relate almost entirely to the family of Ker of Cessford, a few notices of the early members of that family may here be given.

The origin of the family of Ker of Cessford now represented in the female line by the Duke of Roxburghe, as already stated, has, like that of the Kers of Ferniehirst represented by the Marquis of Lothian, K.T., been the subject of discussion. It has been stated by peerage writers that the two families respectively descend from two brothers of Anglo-Norman lineage who settled in Scotland in the thirteenth century. But no positive proof of that assertion is known to exist. The descendants of the two families of the name of Ker had long continued contentions about the precedence of the one family over the other. These contentions led to bloodshed. In 1590, Robert Ker of Cessford, afterwards first Earl of Roxburghe, killed William Ker of Ancrum, the head of the rival house of Ferniehirst. The proceedings for repairing that murder are fully detailed in the report. As might be expected, these proceedings are not the only instances of the Sovereigns of Scotland having great trouble in staunching the feuds between other families, notably the Turnbulls of Minto, Kirkpatricks of Kirkmichael, and the Charteris of Amisfield.

The earliest of the name of Ker in record is Robert Ker, who appears in 1231 in connection with lands in the north of England. In 1296 several of the name of Ker in the counties of Peebles, Edinburgh, Ayr, and Stirling, did homage to King Edward the First at Berwick, and others are mentioned in connection with the shire of Aberdeen, but none of these can be claimed with certainty as the ancestor either of the family of Lothian or that of Roxburghe.

The next who appears on record is John Ker, in the county of Roxburgh, who acted as a juror on various occasions during the English occupation of that county in the year 1357. He was no doubt the same who is designed in the second charter now reported on [No. 2 infra] as John Ker of the Forest of Selkirk or Ettrick, who received in 1358 from John of Coupland a grant of the lands of Altonburn, in the county of Roxburgh. These lands belonged previously to Adam of Roule who bestowed them upon John of Coupland and Joanna his wife [No. 1 infra] from whom they passed to John Ker. John Ker of Altonburn married a lady whose Christian name was Mariota, but of what family she was there is no evidence, though she may have been a relation of the William and Christian Blackden who are named in writ No. 3 infra.

The next member of the family who is noted in the writs now reported on is Richard Ker of Altonburn who was succeeded in his lands by his brother Andrew Ker [No. 4 infra]. This Andrew Ker, although retoured heir to his brother in 1438, appears as the Laird of Altonburn some time previous to that year. In or about 1430, he had a lease of the lands of Primside; in 1434, he received a charter of the lands of Borthwickshiels,
and in 1443 a grant of the mains of Hownam [Nos. 10, 31 and 39 infra]. His son Andrew Ker succeeded in 1445 [No. 43 infra], and it was he who, in 1453, entered into the mutual bond of maintenance [No. 5 infra] with a neighbouring laird, Sir Robert Colville of Oxnam, while in 1454 he received in exchange for his lands of Hownam-mains a bond of manrent [No. 6 infra]. These documents are among the earliest of their class in the south of Scotland.

This Andrew Ker was more than once accused of traitorous correspondence with the English. He was twice solemnly tried for this crime and each time was acquitted. The first time in 1456 [No. 7 infra] he was accused of bringing Englishmen into his own neighbourhood to Eckford, Crailing, Grimslow, and Jedburgh, and burning the district, but at a later date the accusation took a wider range. He was a vassal of the great Earls of Douglas, and adhered to their fortunes to the last, and when they were expelled from the country, he appears, after the death of King James the Second, in 1460, to have joined the party of Robert Lord Boyd, who seized the reins of power during the minority of King James the Third. Ker was one of those who actively took part in carrying off the young King from Linlithgow to Edinburgh on 9th July 1466, the audacious step which secured the supreme power to the Boyds. For these and other offences Ker was at a date not very long after the downfall of that faction brought to trial, and, with better fortune than the Boyds, was acquitted [No. 54 infra]. The reference in the accusation to the battle between the English and Scots, where the Laird of Rutherford was slain, may refer to the battle of Arkinholm in 1454, but more probably to some obscure conflict between the two nations. The accusation of complicity in the treasonable killing of the Chancellor Lord Avandale, must refer only to a meditated attack upon that nobleman, as he survived for many years afterwards.

Andrew Ker, who was the first to hold the lands of Cessford, of which he had a Crown charter in 1467 [No. 27 infra], was succeeded by his son Walter, who, however, was not his eldest son as is usually stated. The eldest son, as appears from writs here reported on, was also named Andrew, but appears to have died without other surviving issue than one daughter, Margaret Ker, who, in 1479, renounced all claim and right which she had to the barony of Cessford in favour of her uncle, Walter Ker [No. 28 infra]. Margaret Ker’s mother may have been of the Hepburn family, and appears to have married, secondly, one of the Lords Haliburton.

It is unnecessary to trace the descent of the family of Ker of Cessford, generation by generation, but notice may be taken of the later lairds of Cessford immediately preceding the creation of the title of Lord Roxburghe in the year 1599. They successively held the office of Warden of the Middle Marches, and it is in this capacity that they appear in the present report. The document [No. 61 infra] dealing with the provisions for fortifying the castle of Langholm and others, is without date, but appears to refer to the early part of the reign of Queen Mary, during the regency of her mother, when French troops were for a time employed in Scotland. As Warden, the Laird of Cessford received from Queen Mary the three letters [Nos. 70, 71, and 72 infra], the second of which is of special interest, as it announced the Queen’s intention of visiting Teviotdale, a visit made memorable by her ride from Jedburgh to Hermitage Castle, for the purpose of visiting James, Earl of Bothwell, who had shortly before been wounded in a border raid.

The clerical adventurer who figured as a Roman Catholic priest,
and also as a Protestant clergyman at the same time, whose exploits are recorded in No. 74 infra, and upon whom Lord Roxburgh, as warden, was to do justice, is apparently not known to the ecclesiastical annalists of the period, and his identity has not been ascertained. In No. 63 infra, a remarkable series of papers is referred to in connection with the long continued feud between the Kers of Cessford and the Kers of Ferniehirst. Lord Roxburgh, while still the young Laird of Cessford, had in 1590 killed William Ker of Ancrum, the head of the rival house, and now in 1605 and 1606, by the influence of King James the Sixth and the Privy Council of Scotland, a formal process of legal reconciliation between the families was gone through. Lord Roxburgh signed a document, in which he acknowledged his regret for the murder; compensation amounting to 10,000 marks was paid to the aggrieved party, and letters of forgiveness were given by them, which put an end to the open feud.

Attention may here be specially directed to No. 107 infra, the Book of Family and Household expenses of the same first Lord Roxburgh, who was advanced to the Earldom of Roxburgh in 1616. The entries in the book, which are authenticated by Lady Jane Drummond, his Countess, range from 30th June 1619 to 9th March 1630, and are of much interest. A fuller detail is given on a later page. Nos. 65—69 infra contain the last wills of certain members of the family, including Robert, second Earl of Lothian, and the first and second Earls of Roxburgh. The last historical document in which any of the family are personally interested will be found at No. 108 infra, where the fifth, or Innes, Duke of Roxburgh, gives his boyish recollections of the rebellion of 1745, and his later experiences of the campaign of 1760 and 1761 in the Seven Years war.

The first portion of the writs now reported on are old charters of lands which have been or are now in possession of the Kers of Cessford. Of these lands Altonburn is the first territory with which the name is connected by genealogists. The earlier writs of Altonburn [Nos. 1 and 2], and also those of Primside [No. 39—41 infra], give some information about an old family of the name of Roule or Rule, the male heirs of which appear to have failed before 1440 when there were four co-heiresses, who disposed of their lands to Andrew Ker of Altonburn. They held also the lands of Flenderleith and Hyndhope [No. 38 infra], which they disposed of in like manner.

The lands of Borthwickshiel in Roxburghshire are dealt with in Nos. 9—14 infra]. In the first writ, dated c. 1425, they are in the possession of Sir William Douglas of Strathbrock, who acquired them by marriage or descent from an heiress of Sir Laurence Abernethy. He granted the lands to George Crichton of Cairns, who sold them to the Kers. This George Crichton was afterwards created Earl of Caithness. He is said to have had two wives, but the name of the second only has hitherto been known. The relationship, however, stated by Sir William Douglas, implies that Crichton was his son-in-law.

The lands of Cessford, as already indicated, were held by the Kers only from the year 1467. Their history before 1325 is uncertain, though they seem to have belonged to Roger Moubray, one of those barons who had joined the English faction. In that year King Robert Bruce bestowed them on Sir William St. Clair of Herdmanston [No. 22 infra], from whom they descended to Sir John St. Clair who in 1376 resigned them [No. 23 infra] to Walter St. Clair. The latter left an heiress, Christian St. Clair, who married Sir William Cockburn, and she and her husband had a dispute about the estate with Sir William
Douglas of Auld Roxburgh, which, in 1416, was brought before the Regent, Robert Duke of Albany, and his council. The Act giving a temporary decision [No. 24 infra] is stated at length, as it is a hitherto unknown Act of a general council or parliament, and thus supplies an addition to the scanty records of Scottish Parliaments.

In 1447, the lands of Cessford were in possession of James first Lord Hamilton, who granted them to a kinsman of his own, Robert Grahame son of Marion Oliphant. She was the daughter of Sir John Oliphant of Aberdalgie, and is said to have married Sir William Grahame of Kincaidie, but really married his younger brother Robert. Lord Strathallan, in his history of the House of Drummond, states that her marriage was arranged in 1399, when it was agreed that Robin de Graham should marry Marion Oliphant, with “many remarkable and singular conditions, very well worth of the observing.” Of this marriage there were, as appears from No. 26 infra, issue four sons.

The writs of Caverton, Nos. 16-21 infra, are chiefly interesting in so far as they show the existence of a family of Fotheringham in the county of Roxburgh having similar arms, but apparently distinct from the branch which settled in the shire of Forfar. Writ 16 infra appears to be a curious form of lease or mortgage. The lands were acquired by the Kers in 1473.

The writs of Sprouston referred to in Nos. 45-50 relate to the possession of part of the lands by the family of Cranston, and of another portion by the monks of the Charterhouse, a monastery near Perth, founded by King James the First. The writs of Sprouston, taken in connection with the following writ, No. 51, enable us to state that the castle of Newark on the Yarrow, commemorated in the “Lay of the last Minstrel,” was used as the residence of the Earls of Douglas between 1432 and 1446. It is referred to in the Register of the Great Seal so early as 1423, but the Earls seem to have occupied an older residence known as Etybreadshiel, which stood not very far from the new building, though its exact whereabouts cannot now be stated.

Among the miscellaneous writs, the first [No. 53 infra] is of special interest, as it details the fees payable to the usher of the Exchequer at an early date in Scottish history. The office at that period, the reign of King David the Second, was occupied by a family called “de Capella” or Chapel. King Robert the Second granted it to William de Camera or Chambers from whom it descended by marriage to the family of Wans or Wans of Meiny. John Wans of Many resigned the office in 1565, and it was conferred on Sir John Bellenden, of Auchnoul, justice clerk, ancestor of Lords Bellenden, the last of whom was for a short time fourth Duke of Roxburghe as above explained.

Nos. 56 and 58 are papers illustrative of the unsettled condition of Scotland, the first writ being a remission by King James the Fifth to the Border clan of Turnbull, chiefly residing in the valley of Rule water; while the other is a “letter of slains,” or assurance of safety of life and limb given to a murderer by the kin and relatives of the person or persons slain, a pecuniary compensation, however, being made to the aggrieved parties. No. 59 is of the same character, being a decree pronounced by Mary of Guise, Queen Dowager, and Regent of Scotland, widow of King James the Fifth, who herself had become arbiter in a feud between the Kirkpatricks of Kirkmichael (cadets of the family of Closeburn) and the Charterises of Amisfield, in which blood had been shed on both sides. The decree ordained money compensation and restoration of goods.
Of the Papal bulls, fourteen in number [Nos. 76—86, and 88, 89], relating to the Abbey of Kelso, only the first has been previously printed in the Bannatyne Club edition of the Register 1846. The other thirteen are now printed for the first time. They chiefly relate to the affairs of the Abbey itself. Attention, however, may be drawn to No. 78, a bull by Pope Honorius III., taking under his protection the "rector" of the wilderness ("heremi") of Merkingly, with his goods. It is not clear where this Merkingly was, but from the references to it in the register of the Abbey of Kelso, where Walter of Bolbech grants to the monks the hermitage which is called Merchingleye near Marchingburn, it appears to have been in Liddesdale, on the English side of the border. It is probably from this "hermitage," which is described as founded in a waste district, that the famous Castle of Hermitage in the same neighbourhood took its name. The bull [No. 81 infra] may also be noticed which forbids the monks to show hospitality to women, or to allow travellers of that sex to pass the night within the gates of the monastery, or even in its granges, giving as one reason, that women attracted by the hospitality of the abbey made while travelling long and useless stay there. The form of oath, No. 87, is given at length, as although comparatively modern, no similar document appears to exist showing the vows of allegiance taken to the Papal See by Scottish Abbots.

The other papers relating to Kelso are not of special importance, the principal ones, including the great charter by King Malcolm the Fourth, and the rentals having been already printed in the "Liber S. Marie de Calchou," published by the Bannatyne Club in 1846. The charter of Malcolm is considered to be, as a writing, one of the most remarkable of Scotch charters. It is well written, but its chief interest is derived from the initial letter "M" which is beautifully illuminated, and is believed to perpetuate two of the earliest Scotch portraits,—those of the founder of the Abbey, King David I., and of his youthful grandson Malcolm, the granter of the writ. This illuminated letter gives a favourable idea of the art of miniature as practised in the monastery in the twelfth century. The list of pensions detailed in No. 94 as paid out of the abbey revenues, and the statutes, No. 95 infra, for the regulation of the burgh of Kelso, are of some interest.

The documents, reported on under the head of "Bellenden Papers," are, as explained, only a few selected from a considerable number. They are papers which came into the family of Roxburgh with William, the seventh and last Lord Bellenden, who became, in 1804, fourth duke of Roxburgh. He was descended from John Ker, fourth son of William second Earl of Roxburgh, who, in 1671, was served heir of entail to his cousin, William Bellenden, first Lord Bellenden. The mother of the latter was Margaret Ker, sister of the first Earl of Roxburgh, and his father was Sir James Bellenden of Broughton, near Edinburgh, descended from a family of lawyers and statesmen. One of these, Thomas Bellenden, Director of Chancery and Justice Clerk, is mentioned in No. 96 infra in letters of maintenance in his favour by George Crichton, Bishop of Dunkeld, of date 1530. He was succeeded by his son Sir John Bellenden, also Justice Clerk, who married Barbara, daughter of Sir Hugh Kennedy, of Girvanmains, Queen Mary of Guise herself signing the marriage contract, No. 98. Of the same family also was probably Christian Bellenden, Prioress of the Convent of Saint Catherine of Sienna, near Edinburgh.

No. 101 infra is chiefly interesting on account of the persons to whom it refers, being a simple draft contract about lands between
Matthew, Earl of Lennox, and his son Henry, Lord Darnley. No. 103 is a letter from the last Roman Catholic prior of Holyrood, "Dene Stevin Litstar," No. 105, a letter from King James the Sixth to Sir Lewis Bellenden, the Ambassador to the English Court, relates partly to the Earls of Angus, Mar, and other banished nobles who had found a refuge in England.

Besides the charters and papers now reported on, most of which have been noted above, a large quantity of the family correspondence has been inspected. It relates chiefly to private family affairs of no general interest. The letters which have been thought worthy of notice here will be found in Nos. 109—118 infra.

As a specimen of the forms observed in the creation of a Scottish peer by a Commissioner after King James the Sixth went to England, the following "Instructions" preserved in the Roxburghie Charter Chest may be quoted at length.

Instructions for my Lord of Roxburghie to be rememberit againes the tyme of his prefferm.

That in the place thocht meit for performing the ceremonic, a throne be erectit of lyve degreis, vpone the vpper place quhairof a schair of honour be placit quhairon sallie layit the rob royall for his Majestie's Commissioner.

That the house be hung with tapestrie. That the haill throne be lykwayis coverit and sum part of the pavement directlie befor the schair of honour, vpon the left syid quhairof may be placet a table coverit, quhairon may be layit the honouris, septour, sword, and crowne.

And becaus the nobilman to be preferrit man ascend toward my lord commissioner, and the degrees appoyntit for sitting wilie vneasie for his ascending, it salbe necessor the passage toward the chair of honour be maid more easie be placing vpone ewerie degreie directlie from the pavement to the schair sum stapis of timber, quhilk I think the Master of Wark will tak ordour with.

That vpone the thrid degrie, richt vnder schair of honour thair be layit a cusehone of velvit quhairon the nobillman may humbl signe himself the tyme of his creation.

That sick nobilmen as ar to be present at the ceremonie be in their robes of estait; at lest two lordis and als monie erlis.

That his lordship hawe present his barrones robe, the rob of ane erle, ane erlis crowne, the patent of his creation, ane sword within ane belt of velvit of cullour narrest that of the robe. The belt to be of that length that it may goe over my lordis head, and beir the sword in way of ane bend and fasnit with ane buckill.

That direction be givin to the pentir to have radie his lordshipis pinsell containing his creist and woord, and ane standert beiring the haill armes of my lordis awin cullouris, quhilk I take to be geulis and asure. Alwais his lordship will cler his him self.

That his lordship hawe present sum worthie gentilman that hath not attennit to the dignitie of knighthood, at lest four, and quho may be employit to be beareris of thingis belonging to the ceremonie, and quho man be doublit knichtis for that thair service.

I dou not his lordship wilbe cairfull to have present at the action trumpitis.

The maisses wilbe radie to attend my lord commisioner and to keip back the prease.
Old Charters of Various Lands.

Altonburn.

1. Charter by Adam of Roule to John of Coupland and his wife of the lands of Altonburn [c. 1354]. Omnibus hanc cartam visurus vel audituris Adam de Roule salutem in Domino sempiternam. Noverit vniuersitas vestra me dedisse, concessisse et hac presenti carta mea confermasse Johanni de Coupland et Johanne vxori sue et hereditibus ipsius Johannis omnia terras et tenementa que habui in territorio de Haledonburne, cum serviciis liberorum et bondorum et cum omnibus suis libertatibus et aysiamentis predictis terris et tenementis qualitercumque spectantibus: Habeanda et tenenda omnia terras et tenementa predicta cum omnibus suis pertinenciis vt predictum est predictis Johanni de Coupland et Johanne vxori sue et hereditibus ipsius Johannis de capitalibus dominis feodi illius, ita libere et quiete sicut ego terras et tenementa predicta aliquo tempore liberius et quiecius tenui; faciendo inde capitalibus dominis feodi illius servicia inde debita et de iure consueta: Et ego predictus Adam et heredes mei omnia predicta terras et tenementa cum omnibus suis pertinenciis, vt predictum est, predictis Johanni de Coupland et Johanne vxori sue et hereditibus ipsius Johannis contra omnes homines et feminas warrantabimus et in perpetuum defendemus. In cuius rei testimonium huic carte sigillum meum apposui. Et quia sigillum meum pluribus est incognitum sigillum Abbatis de Kalkhow et sigillum Abbatis de Melrose in testimonium premissorum presensibus apponiti procurauit. Hiis testibus, Bernardo de Hawedien, Johanne Burnard, Johanne de Hessewell, Michael de Rydale, Eustacio Loreyn, Waltero Tornbeole, Rogero de Halton, Willemo de Rotherford et aliis. [Only one seal has been attached to the writ, which is still appended. It is apparently that of the granter, but the legend and armorial bearings are not readily decipherable.]

2. Charter by John of Coupland, granting and confirming to John Kerre of the Forest of Selkirk all his lands and tenements with their pertinents in Altonburne which the granter held by the gift and feeoffment of Adam of Roule; to be held to the said John Kerre in fee and heritage, &c., as in the preceding writ. Dated at Altonburne, the Monday next after the feast of the purification of the Virgin Mary 1357. [5th February 1357–8.] Witnesses, Robert of Coleuile, William of Rotherford, John of Aynesley, Roger of Aldtoun, Robert of Wodeford, James of Loreyne, William of Gledstanes, William of Roule, Richard of Rydale, Alexander of Flex, John of Chattow, and others. Seal attached. Shield couched bearing what appears to be a cross. Above a helmet is a crest, a goat’s head. Legend “S. Johis de Coupland.”

3. Charter by William of Blakdene, son and heir of Christian of Blakodene, granting and confirming to John Kerre of the forest of Eteryk and to Mariota his wife, all lands and tenements which have descended to the granter after the decease of his late mother the said Christian, of her heritage in the towns of Molle and Altonburne within the regality of Sproustoun; to be held to the said John and Mariota and the heirs and assignees of the said John, in fee and heritage, &c. Dated at Altonburne, the Thursday next after the feast of St. Michael the Archangel [4th October] 1358. Witnesses, Robert of Coleuile, John of Aynesley, James of Loreyn, Roger of Aldtoun, Robert of

4. Retour of Inquest made in presence of John Turnbull, bailie of the regality of Sproustoun, by Sir Walter Scott, Robert of Mollie, Patrick of Ridale, Adam Scott, John Gurlay, William Schewyll, William of Langthoun, John Wanles, Archibald Turnbull, Laurence Turnbull, William Faulaw of Kyrtoun, Thomas Rufy and Thomas Mydylmest, who being sworn, declare that the late Richard Ker, brother of Andrew Ker died vested and seased of fee at the faith and peace of the king, of the lands of Aldtownburne, Wawtyswelys, and of Quietbankedene with pertinents, lying within the regality of Sprouston, and that the said Andrew Ker is the lawful and nearest heir of the late Richard, his brother, in the lands and that he is of lawful age; that the lands were in time of peace valued at £20 yearly, but are become waste and of no value; that they are held in capite, of the chief lords of the regality of Sprouston for one penny bleach at midsummer yearly if asked, and that they have been in the hands of the superiors for three months by the death of Richard Ker. Dated at Langthoun, 29th April 1438.

5. Indenture (written in the vernacular) between Sir Robert Coluene, lord of Oxnam on one part and Andrew Ker of the Altonburn on the other part, by which they agree “that athir part of thaim sal be lele and treu til ythir for al the dayese of thair lyfis in pese and in were at al thare gudey powar and athir of thaim sal be tyl vtheris ful help and supple in all actiounys and quereillis monyt or to be monyt be ony maner of persounys that leff may or de may, thare lugeans to the kyng and to the erle of Douglas alaneely outane; alsa it is acordy betuix the said partis that gyf ony of thare men happins to debat or discord in other in thare presens or absens that nouther of thaim sal tak part with thaire awyn men bot be eunyly reddaris and stanchearis of cuill and debatis quyll after it may be brouch befor thaim and thare thail sal reforme ony debatis gyf sic happynys efter as it is sene speedfull to thaim; alsaia it is acordy betuix the saide partis that gyf ony of thaim happins to be off the cunte or to hafe sic materes ado that he moue nedways pass of the cunte and the tothir part haf mystyr of his suple and help in his absens he sal at his passage charge and deliuer the keparis of his house and men to furthir help and supple the part than beand present in the cunte like as thai suld do in presens of thare master beand than absent bath with supple of housis and men, but fraude and gyle, vnto the tyme of the cumyng hame of thair said master beand absen: Alsaia it is acordy that gyf ony of thaim happynys to inryn fedis or maugeis athir for vthir of ony partysye that nouther of thaim sal mak friendschip na concorde without avice and assent of the tothir party. To the qhilkis thingis lely and treuly without fraude or gyle to be done and fullfyllyt bath the forsaid partis the holy evangellis tuchyt hav geffyn a bodely athl. In writnes of the qhilk thing the forsaid partyse to the partis of thair indenturis enterchangeably has sett thair selys,” at Jedburgh 10th June 1453. [To the present copy of writ, Sir Robert Colvillie’s seal has been affixed, but it now exists in a fragmentary condition.]

6. Indenture between “a rych honorabill squyar,” Andrew Ker of the Altonburne on the one part and “Thom Robson” on the other part, which “proportis and beris wyttynes that it is acordit betuix the saide partyse in maner and forme as effir folowyys that is to say that the sayde
Thom Robson is becumyn suorne man to the sayde Androw Ker to do hym synglar seruyce at his powar agayn all that lefe maye and dee may for all the dayes of his lyfe, his alegiance til our liege lord the kyng alerly outane and falande of hym as God forbeide it do he sal be man in lik maner for al his lyfe dayes tyl Androw Ker the sone and ayer of the sayde Andro Ker or til his ryghtwyse ayeris; for the quylyk manrensship and servuce the sayde Androw Ker sal gyff and deliuer frely tyl the sayde Thom Robson for al the dayes of lyf all and syndry his mayn landis of Hownum with their pertinens to be holdyn and hade to the sayde Thom Robson for al his lyf dayes as is befor said with all and syndry prfitis esmentis and rychwys pertinents als wele vnmemyt as nemmyt, als wele vndir erde as abouyn, als wele fer as ner to the sayde mayne landys pertenand or may pertene be ony maner of rych in tym to cum, als frely quiety wele and in pese as ony landys ar gyffyn and grauntly til ony man within the kynryk of Scotlande indurand the lyflayes of the saide Thom Robson; and gyf it happynyts that the said Thom Robson may nouch joyse and brouke the saide mayn landis for opyn wer of Ingliisohen the sayde Androw or his sayde ayer sal gyff yherly in tym of wer to the saide Thom Robson a hundereth schillingis of the vssale mone of Scotland for his fee, and in tym of pese he brookand the sayd landis as is befor sayde, and the sayde Androw Ker and his ayerys to the sayde Thom Robson for al the dayes of his lyf as befor sayde the sayde mayne landis with the pertinents agayn al men and women sal warande and defend: To the quhilk condiciones and appoyntment lely and treuly to be kepyt done and fullylyt balth the saide partyse the haly euangellis tuichyt ar bodely suorne. In wittnes of the quhilk thyng to the partyse of thir indenturis remaynand with the sayde Thom the sayde Androw has set his seele, and forthy that the sayde Thom Robson had na propir sele of his awyn, to the partyis of thir indenturis remaynand with the said Andro Ker has procuryt the seele of Thomas of Rykylton to be to set hafand the fors of his awyn sele, befor thir wittnes Johne of Aynysle lord of Dolphington, Uchtir of Aynisle, Wyl of Kyrktoun, Wat Robson and mony vthiris,” at Jedburgh, 2nd December 1454. Seal attached, partly broken. Shield bearing a cross.

7. Letters of Acquittal by George Earl of Angus &c. in favour of Androw Ker of Altonburn. 14 April 1456. “George Erle off Angus lorde Douglas of Lyddalysdale and Gedwortht forest, wardene of the est and the myddyll merchis off Scotland affornent Ingland, to all and syndry that it effirs we notify and makis knauyn, that comperit befor vs in oure curte of wardeny haldyn at Selkryk on the xiiiij day of the moneth of Apryle in the yere of oure lorde mmo cccc fyfti and sex yere Andro Ker of Altonburne, endytyn and with our roll chalangit of arte and part of the tresonabill in bryngyng of the Inglisemen to Hecfurde, to Cralyng, to Grymyslaw and to Jedworth, and brynt and heryt the kyngis legis; alsa endytyn for comun entermettyng and comun spekyng with Inglisemen in tresonabill maner in illyng of the kyngis legis; also endytyn for a comun resettour and for a comun suppliar of comun traturis in thare tresonabill dedis and the haffand art and part of thaim; alsua endytyn for a comun tratur; the qwhilk actioun the forsayd Andro allvirely denyt and of tha he was put to a lele and a worthy assyse of the cuntre, that is to say Wylyam of Douglas of Canerys, Schir Walter Scott, the lorde of Cranston, Nechole of Rutherfurde, Archibald of Newtoun, the lorde of Rutherfurde, Wylyam of Hepburne, Andro of Crechton, George off Hoppringill, Johne Turnbule, Mayster
Philip Pyle, Andro of Rutherfurde and Sandy of Hoppringill with
diverse vthiris, and thru the verdyn of the forsaide assye deligently
avysyt and decernitt the forsaide Andro of all the forsaide actionis
allvrelly was made qwhit and vn-wenny. In the witnes of the qwhylk
thyng we hafe gert set to the sele of our office day yer and place
forsayde.”

Blackpool.

8. Charter by William of Douglas, lord of Cavers, granting to his
nephew (or grandson) Walter Ker, son of Andrew Ker, his whole lands
of Blackpule with pertinents, lying in the barony of Cavers in the
sheriffdom of Roxburgh, and that for a sum of money paid by the said
Walter Ker; the lands to be held to Walter Ker and his heirs of the
grantor and his heirs for one penny payable at Christmas if asked, in
name of brench farm. Dated at Cavers, 4th August 1450; witnesses,
Thomas of Cranston lord of that Ilk, James of Douglas, Master Philip
Pyle, James Graye, Duncan Graye and others. Seal attached. Shield
bearing, quarterly, 1st and 4th on a chief three stars, with heart in base
for Douglas; 2nd and 3rd a bend between six cross-crosslets, for Mar.
Legend broken, but apparently “S. Wilelmi de Douglas.”

Borthwickshiels.

granting and selling to his son [“filio”] George of Cryghtoun of
Carnys, his whole lands of Borthwhykeschelys, in the barony of Chaw-
merlayn-newtoun within the sheriffdom of Roxburgh, for 400 merks
Scots paid to the grantor; to be held to George Crichton, his heirs and
assignees, of Sir William and his heirs, for rendering yearly to him and
his heirs the services due and wont, which Sir William and his heirs
were bound to render to the lord superior. Witnesses, the Abbots of
Calkow [Kelso], Melrose, Holyroodhouse and of Newbattle, James of
Douglas lord of Abircone, Sir James of Douglas lord of Dalketh, Sir
Walter of Ogilvy and Sir Patrick of Ogilvy, knights; John of Fawside,
James of Dundas and others. Not dated, but c 1425. Seal attached.
Shield bearing ermine, on a chief two stars. Legend illegible.

10. Charter by George of Crechtoun of Blaknes, granting and con-
firming to his dearest cousin Andrew Ker laird of Altonburn, for advice
and assistance given to the grantor, the whole half of the lands of
Borthwikeschelis, namely the northern portion of the same, with
pertinents, lying in the barony of Chawmerlayne-newtoun within the
sheriffdom of Roxburgh; To be held to Andrew Ker and his heirs of
the grantor and his heirs in fee and heritage, for rendering to them
annually three suits of court at three head pleas of the grantor’s court
of Borthwikeschelis only for all other service. At Edinburgh, 2 January
1433 [1433-4]. Witnesses, Sir William of Crechtoun lord of that
Ilk, knight, Master of the King’s household, John of Newtown of
Carloury and James of Parkle of that ilk. Seal wanting.

11. Letters of Obligation, written in the vernacular, by which
“Stephine of Crechtoune of the Carnis and Jamis of Parkle of
Lithgw” oblige themselves jointly and severally to “Andro Ker of
Altonburne” that “gefe it happenis the saide Andro or his airis to
be inquett distroublit or letit be the airis of qhilib Schir Willeame
of Douglas of Hauhornedene or thaire assignez that the saide Andro
na his airis may noch wyse peseabli [brouk] the landis of Borthwic-
12. Charter by George of Creichton of Blakes and of Borthwickshelis, knight, granting to Andrew Ker of Altonburn the half lands of Borthwickshelis as in No. 10 supra; to be held of Sir John Lindsay of Byris and of Chaumerlan-newtovie as superior, for rendering service due and wont. Dated at Edinburgh, 8th October 1444; witnesses, Sir William lord of Crichton, Chancellor of Scotland, and Sir Walter Scott, knights, Mr. George Schoriswod, Stephen Scott and Alexander of Hepburn. Seal attached. Shield bearing a lion rampant, apparently surmounted with a crescent for difference. [Two other writs relate to this. (1) Letters of resignation of the lands by Sir George Crichton into the hands of the superior, and (2) Another charter by Sir George, granting the whole lands of Borthwickshelis to Andrew Ker. This charter has the same witnesses as the preceding, and both writs are dated at Edinburgh on the same day, 15th October 1444. Seal appended to each.]

13. Lease by “Henry of Wod chaplaine” setting and letting all and whole his “tenandry of lande of Hardenwod with the pertinents lyande within the soyleze of Borthwiesheilis and in the barony of Chawmerlayne-newtovie til my luffit frende Andro Ker lord of Aw- touburne, for at the dayis and termes ofbynnete yerris fulliy to be compleit, pessabill joyssande allale and togeddr, entrande and begun- nande at the fest off Witsonday next after the date of thir lettrez for the male of twenty schillingis in the yere and for ilk yere of the saide ynnetene yerris of the vsale mone of Scolandie to be paiit to me be the saide Androu Kere or his facturis or subtenandis at two termez of the yere, that is to say Witsunday and Marnynnes in wyntr, be two ewynly porcionis, off the quhilk forsuth ynyntene yerris male I graunt me wele content and payit beforhande be the bandis of the saide Androu throu the deliverrane and ressate of nyntene pundis,” which sum the granter discharges; the lands to be held of him for the nineteen years. Dated at Edinburgh, 17th June 1445. Witnesses, Archibald of Douglas lord of Cavers, William of Douglas his son, Sir Walter Scott lord of the Bucleuch, David Scott his son, Alexander of Cheselome of that ilk, Master Philip Pyle, burgess of Edinburgh and Jedworde. [On the same date, Henry Wood granted a formal charter of the lands, to be held of John Lord Lindsay of the Byres as superior.]

14. Letters by Archibald Newtöne of Daleove bailie in that part of John Lord Lindsay of Byres, narrating that—in terms of a precept of sasine, dated at Edinburgh 14th May 1471, directed by John Lord Lindsay to Archibald Newtöne of Daleove and John Turnbull of Newhalburne as his bailies, to infeft Walter Ker, son and apparent
heir of Andrew Ker of Cesfur, in the lands of Borthwickschelis and Hardenwode with pertinents, &c., as before described—the said Archibald, the precept being read gave sasine accordingly to the grantee in person. Done at the town [villa] of Borthwickschelis, 25 May 1471; witnesses, David Scott of Buccleuch, Andrew Ker of Cesfur, Walter Scott, David Pringile, William Ker of Yhare, John Grimyslaw of Newton, James Riddale and William Grimyslaw. Fragment of seal attached.

**Broxfield.**

15. Instrument of Sasine, following on a precept under the quarter seal of King James the Fourth (dated at Falkland, 26 June 1490) in terms of a charter, for infefting Alexander Home of that Ilk, great chamberlain of Scotland in the whole lands and barony of Broxfield, with mill, &c., lying in the sheriffdom of Roxburgh, which barony was resigned by Andrew Lord Gray. Sasine given to David Ranton, son and apparent heir of David Ranton of Billie acting for Sir Alexander Home. Done on 20th July 1490 at a manor lying in “le Fluris” within the barony of Broxfield in presence of William Ker of Mersynton, Ralph Ker of Primsydeloch, George Gledstanes and others.

**Caverton.**

16. Indenture between “Howioun” of Fotheringham and Walter Scott as to the lands of Caverton. 23 June 1391.

“This endentoure mayd at Borthwyke the xxij day off the moneth off June, the yere off gras a mo cec lxxxvj witnes that it is accordit betwyn Wauter V † on the ta part and Howioun [Hugh] off fiodrygame on the tothir part, that the ffor said Wauter has tan the ffor said Howiouns part off the landis off Caverton ffor foure yere pessabel ffor xxxij mark off syluer of the quhilke he has payit hym xv mark in his hand and the laff off payment sal pay at the tennys eftir foluand; and gyff it hapyn as God forbede it do that the ffor said Wauter or his ayris be distrowblit in ony tyn of the ffor said foure yere be ony cause, than he or thai sal begyn agayn tyl thai or he haff joyssit the landis befforsaid foure yere pessabil; and I the ffor said Howioun and my ayris obblych vs to the ffor said Wauter and his ayris to hald this couaad leelily. In the witnes off the qwyllk thyng we the ffor said Wauter and Howioun has put oure seallis to this endentoure day yere and plas befforsaid.” [Seal wanting.]

17. Retour of Inquest made in presence of Archibald of Douglas, sheriff of Roxburgh, by James of Raderfurde, Thomas of Craniston, Walter Scott, Alexander of Newtone, Symon of Dalgiles, George of Hoppringile, Andrew Kere, James of Ormystoun Alexander of Scheysholm, William Turnbule, William of Raderfurde, John Hage, William of Aynisle, James Kere, John Turnbule, John of Aynisle, Thomas Jonsoun, Richard Dauysoun and Thomas Crake, who being sworn declare that the late Hugh of Fothrynhame father of Thomas of Fothrynhame died last vest and seased as of fee, at the peace of the king, of the third part of the whole lands of Caverton as well mains lands as husband lands with the third part of the mills with pertinents except the tenandry called “Langis lande,” within the sheriffdom of Roxburgh; and that the said Thomas is lawful and nearest heir of the said late Hugh his father, in the lands and that he is of lawful age; that the lands presently and in time of peace are valued at twenty marks
yearly and that they are held in chief of the Stewart of Scotland benefice for one pair of gloves on the feast of St. James at Roxburgh, if asked; and that the lands are in the hands of the Stewart by the death of the late Hugh for the space of 26 years. Dated at Jedburgh, 17 January 1429-30. [Three seals still remain attached to the writ. The first bears the arms of Douglas of Cavers, the second the orle of Rutherfurd, while the third is illegible.]

18. Notarial Instrument narrating that John of Fothringame of Caverton, by his procurator, resigned into the hands of King James the Third, the whole lands of Caverton belonging to him, in the sheriffdom of Roxburgh, in favour of his son and apparent heir John of Fothringame. Done in the King’s chamber of the Castle of Edinburgh, 11 July 1471.

19. Notarial Instrument narrating that John Fothringame lord of the third part of the lands of Caverton resigned the said lands of Caverton in favour of Walter Ker and his heirs. Done in the royal chamber of the monastery of Holyrood of Edinburgh 28 May 1473. [Three writs relative to this are (1) a formal Resignation in usual form by John Fothringhame of Caverton, Archibald Dundas of that Ilk, knight, James Shaw of Sauchy and William Roger of “Tracware” being his procurators; dated at Edinburgh 7th October 1472, with the granter’s seal attached, three bars per pale; legend, “S. Johis Fothringhâ.” (2) A precept by King James the Third for giving sasine to Walter Ker of Cesfurd of the 20 merk land of Caverton, forfeited by Robert Lord Boyd; dated at Edinburgh 5th October 1484; and (3) Instrument of Sasine following upon said precept, dated 20th October 1484.]

20. Charter by Walter Ker of Caverton and lord of Honome [Hownam], whereby for the honour of God, the Virgin Mary, St. Katherine, and the Saints, for the soul of the late King James the Second, the granter’s own soul, &c., he with consent of Robert Abbot of Kelso and convent, founds, constitutes and ordains a perpetual chaplainry at the altar of the foresaid St. Katherine the Virgin within the church of the monastery of Kelso on the north side of the same for a perpetual secular chaplain, for whose yearly sustenance the granter gives an annual rent of twelve merks Scots from his lordship of Caverton, and another annual rent of three merks from his lands of Hownam, within the sheriffdom of Roxburgh, the money to be uplifted by the chaplain at two terms in the year. The chaplain shall be bound to continual residence under pain of loss of the said chaplainry, and he shall not substitute anyone but he shall minister personally; and if he be promoted to a better benefice he shall vacate the chaplainry. The granter also wills that in the event of a vacancy, he and his heirs shall grant the vacant chaplainry to a fit secular within forty days, but if they neglect to present within that time, the said Abbot and convent shall present it to a fit chaplain, though in the meantime the convent shall have no right to retain or convert to their own use the sustentation. With clause of warrantice. Edinburgh, 5 December 1475. Witnesses, Robert Abbot of Kelso, Robert Abbot of Jedburgh, David Scott of Budeleuch, George Douglas of Bongedward, John Anysle of Dolphingston, Master Gawin Vaich vicar of Calder-clere and others. [Another charter in similar terms was granted by “Walter Ker of Cesfurd and lord of the barony of Aldroxburn” on 20 October 1488, by which he gives for the chaplain’s support 20 merks yearly from his lands of Ald Roxburgh, with necessary fuel from Caverton.]
21. Charter by Alexander Laynge of Cavirtoun granting and alienating to Andrew Ker of Altonburne his husbandland lying in the town and territory of Cesfurd, which is commonly called “Langis land,” within the sheriffdom of Roxburgh; To be held to Andrew Ker and his heirs from the grantor &c. of the King, for one penny blench payable on land of Cesfurd if asked. Dated at Stirling, 28 March 1446; Witnesses, Sir William lord of Crechtone, Walter Scott of Buccleuch, knights, William of Crechtone, David of Crechtone, squires, Gawin Brady vicar of Kippen and John Hudson, chaplain. Seal attached. Shield showing a bend charged with three crescents, a mollet in the sinister chief. Legend, “S. ALEXANDRI LAYNG.”

Cessford.

22. Charter by King Robert the Bruce, granting to William of St. Clair of Hirmdanstoun, knight, for his homage and service the whole barony of Cesseworth with the mill of the same, and with all pertinents except the land which Edmund Marescall has, by the King’s gift, within the said barony; to be held to the said William and his heirs of the King and his heirs in fee and heritage (excepting only to the King the tenantry held by Edmund Marescall) for the service of four archers in the King’s army and a suit of court at the court of the sheriffdom of Roxburgh. At Arbroath 10th June A.R. 20 [1325]. Witnesses, Bernard Abbot of Arbroath, chancellor, Duncan Earl of Fife, Walter Stewart of Scotland, James lord of Douglas and Alexander Fraser, chamberlain, knights. Fragment of Great Seal appended. [This charter does not appear to be recorded in the extant register of the Great Seal.]

23. Charter by King Robert the Second, granting to Walter of St. Clair, the whole barony of Cesseworth with mill, except the land held by the late Edmund Marescall from the late King Robert Bruce, which barony was resigned by John of St. Clair of Hirmdanstoun; to be held to the said Walter in fee and heritage, for the services due before the resignation. Dated at Perth 8th March A.R. 6 [1376]. Witnesses, William, Bishop of St. Andrews, John Earl of Carrick, the King’s eldest son, Steward of Scotland, Robert earl of Fife and Menteith the King’s son, William Earl of Douglas, John of Carrick, chancellor, James of Lyndesay the King’s nephew, Alexander of Lyndesay and Robert of Erskyne, knights. Portion of great seal appended. [This charter is on record, but the names of the witnesses are not given in the register.]

Willelmus de Cokburne pro se et sponsa sua predicta sepius ut asseruit disclamabat; prout tunc coram dominis de consilio publice disclamavit; Requirens cum instance debita prefatum dominum gubernatorem et suum consilium sibi super premissis de oportuno remedio provideri. Cuius quidem Willeml de Cokburne militis auditua qu-era lectis ac cartis infodacionis dictarum terrarum recolendo memorie dominorum Roberti primi et Roberti secundi regum Scottorum illustrium sigillis suis roboratis, dominii de consilio decreuerunt quod idem dominus gubernator superioriatem baronie predicte de Sesworth per vicecomitem de Roxburgh in manus suas recognoscit faciat indilate, dictumque Willelum de Cokburne tanquam tenentem regis racione dicte sponse sue in possessione dictarum terrarum suarum manuteneat et defendat; quodque dictum Willelum de Douglas militem qui est in transmarinis partibus ut refertur si et quando ad partes venerit per suas literas patentes summonerii faciat quod compareat ad certos diem et locum calumpnie domini nostri regis et sua super purprestura predicta debite responsurus. Datum sub testimonio magni sigilli dicti domini gubernatoris apud Perth vicesimo die mensis Marcii anno quo supra.

25. Notarial Instrument narrating that in presence of the notary and witnesses an honourable man, Alexander of Cokburne, presented to Master Philip Pyle depute of Sir Archibald of Douglas, knight, sheriff of Teviotdale, an attorney from the royal chancery in which Alexander was named among others, which being received, read and admitted, he presented a precept of sasine from the royal chancery directed to the depute himself for giving to the attorney or attorneys of Christian Sinclair, spouse of the late Sir William of Cokburne, knight, heritable sasine of her lands whatsoever of Cesfurde with pertinents, according to the tenor of a charter of entail confirmed to her by the King. The said Master Philip having read the royal letters, viz., the attorney, letter of sasine and charter of entail, commanded the King's sergeant, William of Grymyslaw to assign heritable sasine of the said lands to the said Alexander Cokburne in name and on behalf of the said Christian, his mother, which the sergeant did in due form. Done in the town [villa] of Cesfurde in a building of the same, on the 10th November 1441; witnesses, Andrew Ker younger, Adam Scot, Ralph Tayte, Thomas Tayte, Gilbert Mossy, William Scot, John Scot his son, Robert Gibson and James Chawmyre.

26. Charter by James Lord "le Hamyltoune," knight, granting to his kinsman Robert of Grahame, son and heir of Marion of Olyfawnt, for service done and to be done, his whole lands of Cesfurde with pertinents, lying within the sheriffdom of Roxburgh, which lands had belonged to the said Marion and were resigned by her in the hands of the King who had regranted them to Lord Hamilton; To be held, the said lands to Robert Grahame and the heirs of his body, whom failing to Walter Grahame, his brother-german, whom failing to Patrick Grahame and Umfrid Grahame also brothers german, and the heirs of their bodies respectively, of the grantor and his heirs in fee and heritage, for rendering a white or red rose at Midsummer on the ground of the lands, if asked; reserving to the said Marion her livery. Dated at Bothwell, 24th February 1446-7. Witnesses, John Hamyltoune, brother-german of the grantor, Arthur, James and Alexander of Hamyltoune, his kinsmen, William of Cleland of that Ilk, Sir George Vicaris the grantor's chaplain and Sir John of Mousfald, vicar of Glasgow choir. Seal attached, shewing three cinque-foils. Legend "S. IACOMI DOMINI HAMILTON."
27. Charter by King James the Third, granting to his faithful Andrew Kerr of Altonburne, the whole lands of Cesfurd, with all pertinents and annexations formerly annexed and united to the said lands or barony of Cesfurd; also twenty marks of lands in Cesfurd, which Andrew Kerr had acquired from James Lord Hamilton; lying in the sheriffdom of Roxburgh—which twenty merk lands the king annexes and incorporates with the pertinents of the said barony; which barony belonged to Andrew Kerr and was resigned by him in the King’s hands; to be held to the said Andrew for his life and after his decease to Walter Ker, his son, and the lawful heirs-male of his body, whom falling to Thomas Ker and Mr. Robert Ker brothers of Walter, and the lawful heirs-male of their bodies, &c., as freely and for all services as before the resignation. At Edinburgh, 27 April 1467. Witnesses, Andrew Bishop of Glasgow, Thomas Bishop of Aberdeen, Andrew Lord Avandale, chancellor, Colin Earl of Argyll, master of household, Robert Lord Boyd, Robert Lord Lile, Messrs. James Liindsay, provost of Lincluden, keeper of privy seal, David Guthrie of that Ilk, comptroller, and Archibald Whitelaw, dean of Dunbar, secretary. [This Charter does not appear in the extant register of the Great Seal. It was followed in due course by a precept of sasine, on which infeftment was given on 29th October 1467, at the gate of the castle of Cesfurd, William Pryngill constable of said castle, and others being witnesses.]

28. Renunciation by Margaret Ker of her rights to the barony of Cesfford, beginning “Be it kent till all men be thir present lettres me Mergret Ker, the dochter of vmquhile Androu Ker, sone and apperand are to Andre Ker of Cesfurde, now being in my pure virginitie and at launcfull aige of myn awin fre will with the consuale and avise of my maist tender and narrow frendis, that is to say, a reuerend fadir in God, Thomas bishop of Aberdene, Patric lord Halis, maister Archibald of Qubitlaw, secretare to oure souerane lord, Sehir Patric Hepburn of Dunysare, Sehir William of Knoliss, preceptour of Torfchin, knychtis, Archibald Froster of Corstorfyne and Mergrat Lady Dirlnoun, my moder, for the fauour and hertly lufe that I hane to my derest ene Walter Ker of Canerotence and for ane obligation denuerit be the said Walter and ressaut be me of the soume of aucth hundreth merkis of the vsualeNONE of Scotland vnder his sele and vnder the sellis of David Scot of Branshaim, Andre Ker of Cesfurde, David Pringill of Smalchaim and Patric of Faulohill, to be witt to my marraige, to hane quitlemyt and renunciit,” as she in due form renounce all right or claim she may have to succeed to her father, or to her grandfather Andrew Ker, and specially all claim to the barony of Cesfurde, with its pendicies, Borthikenschells, Hownum mains, Hyndhope, the Feu of Roule, Donypace, Glenuhim and all other lands that might belong to her by reason of heirship or succession; so that Walter Ker or his heirs either of line or tailzie may possess and enjoy the said barony. The granter binds herself not to infringe this contract in any way, under penalty of 1000 merks payable to Walter Ker, 1000 merks to the King and 500 merks to the work on the church and bridge of Glasgow. At Edinburgh, 6th November 1479; witnesses, James of Reddale of that Ilk, Adam Hoppringle of Burnhouse, Sir David Lutherdale, archdean of Dunkeld, and others. Seal wanting.

29. Charter by William Cokburne of Skirlyne, granting and alienating to Walter Ker of Cesfurde his whole lands of the barony of Cesfurde in the sheriffdom of Roxburgh; to be held from the granter...
of the King in fee and heritage, for the services due and wont. Dated at the burgh of Jedburgh, 22 November 1493; witnesses, Robert Abbot of Kelso, John Edmonston, son and apparent heir of John Edmonston of that Ilk, Walter Scott of Buccleuch, James Cockburn and John Anislie. The writ is said to be signed, but only the grantor's seal is attached. Legend, "S' DNI WILEELMI KOKBURN," bearings undecipherable.

Lands of Graden.

30. Retour of Inquest (with the royal brief attached, of date 14th May 1600) made before Robert Turnbull, sheriff depute of Roxburgh, by Andrew Ker of Grenheid, Andrew Ker of Lyntoun, Thomas McDowell of Stodryg, Ralph Ker of Schaw, Lancelot Ker of Gaitschaw, Andrew Ryddell of that Ilk, Gawin Elliot of Stobbis, Andrew Douglas of Tempindene, Robert Ker of Melrois, Thomas Ker of Cavers, George Rutherfurd of Phairnyngtoun, John Halyburton of Muirhouseslaw, James Anislie, John Alensone and William Browne, bailies of the burgh of Jedburgh, who being sworn, declare that the late William Ker of Cesfurde, father of Sir Robert Ker now of Cesfurde, knight, died last vest and sealed as of fee at the peace of the king in the lands of Graden, within the barony of Lyntoun and sheriffdom of Roxburgh, and that Sir Robert Ker is the lawful and nearest heir of his father and is of lawful age; that the said lands now and in time of peace are valued at ten pounds yearly and that they are held in chief of Lord Somervell in banchfarm for rendering a white rose on Midsummer day; that the lands are now in his hands and have been since the death of the late William Ker in February last, or about five months. Done in the tolbooth of Jedburgh 3rd June 1600. Five seals are attached, but the impressions are very faint.

Lands of Hownam, &c.

31. Charter by Mariota of Lawedre, spouse of Sir Alexander Home of that Ilk, knight, granting, with special consent of her husband, to Andrew Ker of Altovnburne, her main lands of Hownowm, lying in the sheriffdom of Roxburgh; which mainlands belonged to Marjorie, Isabella, Janot and Ellen of Rout, sisters, in heritage, and were formally resigned by them in presence of the under-named witnesses; to be held the said lands to Andrew Ker, his heirs and assignees, of the grantor and her heirs in fee and heritage, for rendering one silver penny yearly at Pentecost, if asked. Dated at Dunglas, 20th June 1443; witnesses, Adam of Hepburn lord of Halys, Sir Patrick of Hepburn lord of Valuchtoun [Wauchton], Sir David of Home lord of Wetherburn, knights, William of Setoun, son of the late Sir Alexander of Setoun lord of Gordoun, Robert of Lawadre of Eddringtoun, William of Hepburn, David of Home, son and heir of the said Sir David of Home, George of Home, and Thomas of Home.

32. Notarial Instrument narrating that in presence of the notary and witnesses, a noble man, Henry Wardlaw of Torry freely admitted and openly and publicly acknowledged that he had received by the hands of George Twede in name of Walter Ker, son and heir apparent of Andrew Ker of Cesfurde, the sum of two hundred and forty marks Scots, in ancient payment and money for the lands of Houname, upon which George Twede asked instruments. Done in the dwelling-house of Thomas Folkert in the burgh of Edinburgh in presence of Thomas Folkert, Mr. Henry Martin, William Pringil, Walter Wardlaw,
33. Notarial Instrument narrating that in presence of the notary and witnesses, a prudent man John Ker in Caverton showed and declared that he held heritably three husband lands with their pertinents, lying in the town and territory of Hownum, within the sheriffdom of Roxburgh; which done, he duly resigned the lands into the hands of Walter Ker of Cesfurd, his overlord, to dispose of the three husband lands at his will. Done in the monastery of Kelso at 10 a.m. on 20th April 1489; witnesses, John Wauch, John Atkynson, John Robsoun and John Waik, perpetual vicars respectively of Ednam, Morton, Maxwell and Bolden, with others.

**Bailiary of Jedburgh Forest.**

34. Indenture made between George Earl of Angus, lord Douglas, and warden of the East and Middle marches of Scotland, and his right well beloved cousin Andrew Ker of Cesfurd, to the effect that the said lord shall make Andrew Ker his bailie of his lordship of Jedworth Forest during "al the dayis of the said lord and Androis lylis," with full powers, and shall cause his men of the lordship to serve him next himself and obey him as they ought to do to their bailie. The said Andrew shall have the manor of "Lintole" [Lintalee] for his residence, but shall lease no lands save with the Earl's advice, nor receive any of the Earl's rents, but shall suffer the officers to deal therewith at the Earl's order, and he shall truly minister in the said office "for al the said tyme for the said lordis worship and his avale, and the profyt of the cuntre": For which things the said Andrew is become man to the said lord, "before al that lyf or de may," the king and queen excepted, like as he had made bond of service before, truly to serve the said lord during their joint lives; and the said lord shall give him his bond of maintenance. The parties give their "gret athis, bodily sworn" to keep the contract. In witness of which the Earl sets his seal to one part of this indenture while to the other part is set the seal of David Hoppringill of Pilmuir because Andrew Ker had no seal of his own present. Dated at Jedburgh, 7th December 1457; witnesses, Sir Walter Scot, David Scot and others. Signed "Georg erl of Angws, etc." Seal affixed, somewhat broken.

**Bailiary of Barony of Kelso.**

35. Letters granted by Robert Abbot of Kelso, with consent of the convent, conferring upon Walter Ker of Caverton, son and heir of Andrew Ker of Cesfurd,—for his services and specially in recompense for his gift to the Abbey of fuel from the moor of Caverton, namely "le turf, pete, hathir, cole and brume" necessary for the Abbey,—the offices of Justiciary and Bailiary of the whole lands of the barony of Kelso and of the lands and lordships of Sprouston and Reddane and of the barony of Boldane [Bowden] and all other lands of the Abbey within the sheriffdom of Roxburgh, also of all their lands of Ugstoun, Home, Gordoun, Bothel, Harnhele and all others in the sheriffdom of Berwick, and of their barony of Dodynston and lands of Hundby lying in the sheriffdom of Edinburgh and constabulary of Haddington; with a fee of £10 Scots yearly, to be uplifted from the lands of Bowden; To be held the said offices, with fee, to the said Walter Ker, whom failing to
his brothers, Thomas, William and Ralph, and to the heirs male of the body of each in succession. With the usual powers of justiciary and bailiary. Dated at Kelso, 1st October 1478. Signed by the Abbot and by seventeen members of the convent.

Magdalen near Linlithgow.

36. Notarial Instrument narrating that in presence of the notary and witnesses, an honourable man, John Skot, and Elizabeth Gudsuan, his wife, appeared and produced a precept of sasine (dated at St. Andrews, 10 January 1503-4) by John, Prior and convent of St. Andrews, narrating that Andrew Skot, burgess of Linlithgow died last vest in one acre of land "terre ruralis," lying in Magdaleneside between the land of Patrick Ka on the west and the land of Thomas Forest on the east, that the said John Skot, his son, is his lawful and nearest heir, who had petitioned that Elizabeth Gudsuan, in her virginity should be placed along with him in fee and possession of the said acre of land, in terms of which petition the prior directed sasine to be given. Sasine given accordingly on the ground on 25 January 1503-4. [Two other Instruments both dated 17th October 1505 show that John Skot, heir of the late Andrew Skot, with consent of Elizabeth Gudsuan, his wife, sold to Robert Danzelstoun, burgess of Linlithgow, two perticatates of arable land lying in said burgh on the north side of the High Street between the land of Patrick Ka on the east and the land of John Cowper on the west; other two perticatates lying at the end of the land of the Madyr yards, which the late Thomas Leston held on the west the King’s highway on the north and the King’s lands on the east; and other two perticatates of land lying between the lands of Thomas Berilmew on the west and east, and the common way which leads to the Blackness on the south. Another writ discharges a sum of money paid by Danzelstoun for five acres of land, of which “ane akyr lyis in the Magdalenne side and haldyne intill chieff of the priour and convent of Sanctandrois, ane pese of errabill land that lyis beneth the Magdalenne Corse onne the nedder pairt, the third pese lyis ane estald the maddyrr yard, twa riggis that lyis ane estald Gillans bernee, with the half of the Bernishill with the pertinentis that is haldyne intill chieff of the Abbot and Convent of Hallirudhous . . . in the beronny of Brochtoun and withyne the constabillry of Edinburgh and Lithgow.” Dated 24th December 1505. Signed “Jhone Scot manu pliu.” Seal attached. Legend, S. IOHANNIS SCOT. Device on shield, partly obliterated.]

Plenderleith and Hindhope.

37. Precept by Laurence Lord Abirnethy in Rothimay, baron of the barony of Prenderlath, directed to George of Ormystoun of that Ilk and John Robsone as his bailies for giving sasine to Andrew Ker of Altonburne of the lands of Prendylath and Hyndhope lying in said barony in the sheriffdom of Roxburgh, which lands belonged in heritage to Marjorie, Isabella, Janet and Ellen Roile, sisters, daughters and heiresses of the late Andrew Roile, and were duly resigned by them. Dated at Jedburgh, 12 February 1454-5; witnesses, Sir Walter Scot of Bucleuch and Sir Simon Glendynwyn of that Ilk, knights, William of Douglas, Stephen Scot, Robert of Glyestanes, Archibald of Rutherford, John Anysle and Thomas Brown, clerk. [The grantor states that in the absence of his own seal he had procured that of Sir Archibald of Douglas, knight, sheriff of Roxburgh, but it is now wanting.]
38. Charter by William Lord Abernethy in Roxburgh, granting and
confirming to Walter Ker, son and apparent heir to Andrew Ker of
Cesfurd, the lands of Hindhope lying in the granter's barony of Prender-
lath in the sheriffdom of Roxburgh, which was resigned by the said
Andrew Ker; the lands to be held to Walter Ker, whom failing to each
of his brothers Thomas, William and Ralph Ker and the heirs male of
their bodies respectively, of the granter and his heirs, in fee and heritage
for services used and wont; reserving to the said Andrew Ker his life
rent and a reasonable terce to his wife. Dated at Edinburgh, 15 May
1471; witnesses, Mr. George Abernethy, provost of the collegiate church
of Dumbarton, James Abernethy, brother german of the granter, John
Newton of that ilk, Robert Rutherford of Chatto, John Anisle of Dolfins-
ton, William Cokburne of Newhall and Thomas Unthank, notary public.
Seal wanting.

Primside.

39. Charter by Archibald Earl of Douglas and of Longavile and lord
of the regality of Sproustoun, confirming letters (dated at Primside on
Sunday 4th June 1430) by which Andrew Roule lord of Primside in
consideration of one hundred pounds Scots borrowed by him from
Andrew Ker lord of Aldtonburne, leases to Ker, his heirs, executors and
assignees the lands of Primside "lyand in the south side of the toone
of the Primside as the hee wai liis fra Lyntonn loch to Primsid yhetis
and so furth to the watter of Bowbentis [Bowmont] be richtwis and ald
marchis and methis, and twa husband landis lyand on the north side of
the town of Primside, the quhilk is callit James Keristik," the lease
to endure for nine years for 12 pennies Scots of yearly maill with
engagement to repay the £100 at the end of the nine years on the high
altar of St. Mary's Kirk at Hawick; but if the sum be not then paid
the lessee shall re-enter to the lands for other nine years, and so on till
the money be paid; under a penalty of £20 Scots to be paid to the
"kirkwerk" of Glasgow, and of other £20 to be paid to Andrew Ker or
his heirs, in case of any impediment to the lease being made by the
said Andrew Roule. Which lease the Earl of Douglas ratifies in all
points at Bothwell 26th January 1429 [1430]. Seal attached, in good
condition. [The dates of the Charter and the lease are confusing, and
one or other must be erroneous. Sunday fell on 4th June in the year
1430, which is the date of the lease, but this does not agree with the
date of the Charter. Which is wrong cannot be ascertained, though as
the 4th June of the year 1413 was also a Sunday, that may be the correct
date of the lease.]

40. Notarial instrument narrating that John Turnbulle of le Fultoun,
bailie of the regality of Sproustoun, at the command of Archibald Duke of
Toursaune, Earl of Douglas, &c., passed to the lands that formerly
belonged to Andrew Roule of Primside in the town of Primside and
regality of Sproustoun, in the sheriffdom of Roxburgh, and after resigna-
tion by the said Andrew, gave sasine of the lands to George of Roule his
son and heir and Margaret Ker, daughter of a prudent squire Andrew
Kere of Awtonburne, pretended wife of George and to the longer liver
of them. Done at the chief place of the lands 28 April 1432; witnesses,
Adam Spenduliffe chaplain, John Twedy, Richard Ker, Andrew Kere,
James Turnbull, Henry Anysole, squires, William of Hawdene, Thomas
Caltart, John Madur, James Portuse, John Portuse, Thomas Strang,
Gilbert Yole, William of Bellendene, William Chatto, James Yong,
William Broun, James Knychson, John Broun, William Androson,
41. Confirmation by Archibald Duke of Touraine, Earl of Douglas, &c., by which after inspecting the writ in his hands in presence of his council, he ratifies a charter (dated at Edinburgh, 20th November 1430) by Andrew Roule lord of Prymside, with consent of George his son and heir, granting and selling to Andrew Ker lord of Awtounburn, his ten husbandlands of the Maynis lying on the south half of the town of Prymside (the same lands as those named in No. 40 supra) and if they did not extend to ten husbandlands, the deficiency was to be supplied from the granter's lands on the north side of the town; to be held to Andrew Ker his heirs and assignees in fee and heritage for ever, for rendering to the overlord service due and wont. Confirmation dated at Ethbredscheillis, 6th August 1432. [Witnesses to Roule's charter Archibald of Douglas, lord of Cavers, James Ruthirfurde of that Ik, Thomas of Cremniston of that Ik, William of Liberton, provost of Edinburgh, Alexander Naper, John Barcare and Henry Dempstar, bailies there, and others. Witnesses to the Earl's charter, William Abbot of Kalko [Kelso], James of Douglas lord of Balwany, Walter Scott of the Bukeluch, and James Ormeston of that Ik. Earl's seal attached.]

Other writs relating to the foregoing are (1) A letter of procuratory by Elena Roule of Prymside appointing her husband Thomas Yonge, Stephen Scot, Thomas Gleddistantis and others, as procurators to resign her part of Prymside, as one of the heirs of her father the late Andrew Roule into the hands of Archibald Duke of Touraine, &c., superior. Dated at Kelso, 14 April 1439. (2) Charter by Archibald Duke of Touraine granting to Andrew Ker of Altonburn, the lands of Prymside, resigned by Marjorie, Jonet and Elena Roule, daughters of the late Andrew Roule. Newark "Le Newerk" 4th May 1439; witnesses, Sir William Crichton of that Ik, chancellor of Scotland, Master John of Railston rector of Douglas, the Earl's secretary, Thomas Cranston of that Ik, Alexander of Narne, Robert of Gledstanes and John Turnbull of Langtoun, constable of "le Newerk." The Earl's seal attached. (3) Precept of sasine thereupon. Same place and date. (4) Charter by William Duke of Touraine, &c., granting to Andrew Ker of Altonburn the four parts of Prymside resigned by Marjorie, Isabella, Jonet and Elen Roule, the four daughters of the late Andrew Roule. Dated at Edinburgh, 18 February 1439–40; witnesses, Sir Laurence Abernethy of Rothimay, Sir John Maxwell of Calderwood, Sir George Campbell of Loudoun, Sir James Auchenleck of that Ik, knights, Master John of Railston, Master Thomas Spens, the Duke's secretary, Alexander Narn, James Rutherford of that Ik, Thomas Cranstown of that Ik, William Murray of Cranston and John Murray of Cranston.

42. Charter by Andrew Ker lord of Altonburn, with consent of Andrew Ker his son and heir, granting to James Ker his son, certain his lands of Prymside "jacentes by rendale cum terris Thome Ker filii mei et infra regalitatem de Sprouston infra vicecomitatum de Roxburgh, valentes quinque libras visuais monete regni Scoie per has dianias, videlicet, Incipiendo ad laecum de Lyntoun versus orientem, transeundo rectam viam vsque ad jnanum orientalem de Prymside et sic descendendo per morrasium vsque ad fossatum sive siketum et vsque ad viam que tendit ultram fossatum et sic per viam rectam vsque ad marchias de Ythame vsque ad cumulum lapidum apud Prymside yhetitis, et sic eundo vsque ad ly Bolbent et deinde ad marchias de Clyftoun et a diuisi
marchiiis de Clyftoun vsque ad quatuor lapides jacentes in ly Swyre, qui lapides stant in marchiiis terrarum quatuor dominorum, et sic ad marchias que transunt inter Grubbatt et Prymside vsque ad album lapideum, et sic eundo vsque ad tres lapides jacentes in cono cuiusdam vadi seu transitus aque et sic eundo vsque ad lacum de Lyntoun " with the mill of Prymside and a halfmerkland adjacent to the mill, except what the granter reserves to himself as overlord; To be held to James Ker and his heirs in fee and heritage, rendering to the granter and his heirs services due and wont. Dated at Caverton, 27th August 1444. Witnesses, William Abbot of Kelso, Master Robert Penven, rector of Sowdon [Southdean] and Sir Thomas Wichtman, vicar of Malkarston.

43. Retour of Inquest made in presence of William Earl of Douglas and Arvandale, lord of Galloway and of the regality of Sprouston, by Sir Walter Scot, knight, James Rutherford of that Ilk, James Rutherford, James Ormyston, Archibald Newton, George Ormyston, John Turnbull, William Murray, John Murray, James Hog, Adam Turnbull, Norman Fawside, John Makmoryn, Bernard Hawden and James Cranston, who being sworn, declare that Andrew Ker, late father of Andrew Ker bearer hereof, died last vest and seased as of fee at the place of the King of four parts of the whole lands of Primside, and 13/4d. of annual rent to be uplifted yearly from the fifth part of the said lands, lying in the regality of Sprouston, &c.; that Andrew Ker is the lawful and nearest heir of his father in said lands, and is of lawful age; that the said four parts were valued yearly at 24 merks and are, with the annual rent, held in chief of the earl as baron of the said regality; and that they have been in his hands since the decease of the late Andrew Ker about two years from Christmas last past. Done at Newark, 1st March 1446 [1447]. Seven seals are appended. The first is that of the Earl of Douglas, much broken. Two seals bear the cognizance of Rutherford—an orle and in chief three martlets, while two bear the bull’s head of Turnbull. The sixth seal bears a saltire engrailed and on a chief three mollets. Legend, “S. VILEMII DE MORAY,” and the seventh bears the arms of Murray of Falahill—a hunting horn stringed, and on a chief three mollets. Legend, “SIGILLUM IOHANNIS DE MURAY.”

44. Charter by Walter Ker of Cesfurd, in favour of James Ker, son and heir apparent of George Ker of Lyntoun, granting to him the same lands with the same boundaries, Lancelot Ker being the adjoining proprietor. Dated at “Halidane” 30th November 1537; witness, inter alios, Robert Ker, brother german of Walter Ker of Graden. Signed “Walter Ker of Cesfurd wy't my hand at ze pen.” Seal wanting. [The usual precept of sasine, same place and date is also in the charter chest.]

**Sprouston.**

45. Precept by Archibald (fourth) Earl of Douglas, directed to James of Gledstanes, his bailie in that part of the regality of Sprouston, commanding him to give sasine to the earl’s squire John of Cranistons, son of the late Sir William of Craniston lord of that ilk, in £20 worth of land granted heritably to him by charter in the town and territory of Sprowistoun in the regality of the same, on the west side of said town, extending lineally from north to south. At Edinburgh, 4 November 1408.
46. Charter by Archibald Duke of Touraine (fifth) Earl of Douglas &c., granting the same lands (tenandries if any be in that part, excepted) to Thomas of Cranstoun of that ilk; to be held to him and the heirs male of his body of the Earl and his heirs in fee and heritage, for services due and wont. Edibredscheilis, 2 August 1432; witnesses, James Douglas of Balvany, the earl’s uncle, William Crichton of that ilk, knight, Patrick Livingston of that ilk, James Livingston, son and heir of the lord of Calendar, Alexander Hamilton of Edalwood, David Murray of Neiton, George Murray of Blackbarony and Alexander Murray of Cranstoun. Seal attached. [A precept follows same place and date.]

47. Letters by Archibald Duke of Touraine &c. by which for the honour and praise of God, the Virgin Mary and St. John the Baptist, for the weal of his own soul and that of Eupheme his spouse, &c. he gives and confirms to the prior and convent of the Charterhouse “domus vallis virtutis” of the Carthusian order near the burgh of Perth, the lands comprehended in the following marches, viz., “Incipientes ex parte orientali a Seurrikrag et ascendentes per flogeburne vsque ad Cocarde and sic extendentes versus orien per marchias terrarum monasterii de Kelson vsque ad terras de Reddan and sic utra versus ausstrum vsque ad marchias terrarum de Haudame; et ex parte occidentali incipientes ad le Hall yardis et exinde extendentes versus borian ad aquam de Tweide, vna cum omni libertate et vsu dicte aquae et sic sursum Pakouburne sicut Yenisciene se extendit versus ausstru vsque ad Murikluch, et a le hede de Muryklich extendentes versus ausstrum vsque ad marchias de Lempatlaw and postremo extendentes vsque ad Haudame stanke, jacentes in baronia de Sproustone infra vicecomitatum de Teuidale;” to be held to the prior and convent and their successors in pure and perpetual alms, with bonds, bondages, natives and their sequels, peat bogs &c. fees & forfeitures &c. justiciary high & low &c., without any tolls, subsidies, taxes or contributions, for offering continually the voice of supplication to God for the granter and the souls above named. Dated at Edibredscheilis, 2 February 1433-4; witnesses, Henry Wardlaw, bishop of St. Andrews, Robert of Cardeney bishop of Dunkeld and John Crannok bishop of Brechin, Mr. John Fogo abbot of Melrose, William Douglas Earl of Angus and Alexander Stewart Earl of Mar, James Douglas of Balvany, Archibald Douglas sheriff of Teviotdale, Nicolas of Rutherford, George Pringill and Alexander Pringill, squires. Seal attached. [Precept of Sasine, same place & date, directed to Sheriff of Teviotdale.]

48. Letters of Sasine (in the vernacular) by Archibald Douglas sheriff of Roxburgh, certifying that in terms of the precept by the Earl of Douglas, he caused his brother Duncan Gray, sheriff depute give sasine to Friar John of Bute of the order of the Charterhouse, procurator for the prior and convent of the same called the “wale of wertew” beside Perth, of the lands named in the Earl’s charter. Edinburgh, 18 March 1433-4. Seal attached.

49. Charter by William (eighth) Earl of Douglas granting to Thomas Cranston of that ilk the Earl’s lands on the west side of the town of Sproustoun, between the lands of the said Thomas on the west and the lands held from the Earl by the Carthusian monastery on the east, according to the old marches, from the water of Tweed ascending by the burn called Pakokburn to a cairn above the town and thence by known and old marches to the common pasture of the town, with the
mill of said town; reserving to the Earl his capital messuage of the regality of Sprouston situated within the lands granted: To be held for ward and relief. Dated at Stirling, 10 May 1446; witnesses, Mr. James Lindisay of Covington, the earl's secretary, Alexander Home of that ilk, James Achinlek of that ilk, David Home of Wedderburn, knights, John Murray of Falahill, Archibald Haliburton, James Douglas and Adam Turnbull. Seal attached. [Letters of Sasine also were given by John Murray of Falahill certifying that he had delivered sasine of the lands. 16 May 1446. Seal attached.]

50. Letters by King James the [Fourth?] directed to the Sheriff of Roxburgh, narrating that his "denote oratouris," the prior and convent of the Charterhouse, had shown that they were infeft by his progenitor and "fograndschir" King James the First in a part of the lands and barony of Sprouston lying beside the Abbey of Kelse, which lands "the Abbote of Kelse has, of tollerance and without any assidacion or tak of the saidis prior and convent, be the space of xxx yeris bipast with the mare and tendis nocht to tak the samyn of thaim but pais yerlie therfor bot at his ple sour, and swa throu the persut and ingetting of the profitti thai haue of the saidis landis thai man mak yerlie als mekle expens as thai get of profitti; and attour throu the vso that the said Abbot has had of the saidis landis without assidacion of the saidis prior and convent, thai haue na perfitt knaulege of thare bournis of thare saidis landis to thare grete dammage and skaith and contrare justice;" for which the king directs the sheriff to warn the Abbot and Convent of Kelse to desist from labouring the lands unless they can show a sufficient lease. Given under the signet at Stirling the 23rd September, year of reign 16. [1503 ?]

Teindside.

51. Notarial instrument certifying that Oswald Abernethy personally appeared in an open court ("in plena curia") held at Neuwark before a mighty and potent lord William Earl of Douglas and Avandale, lord of Galloway, and in presence of a notary and witnesses publicly and solemnly asserted that he did not claim or challenge any man in special to be his lord superior of the lands of Teindside and Harewode, in the sheriffdom of Roxburgh and regality of Hawyk, but him whom men of inquest should find to be baron of the barony of Hawyk whom he would have as his superior of the lands and hold them from him in capite. Done at Neuwark, in the great hall in public court in presence of Sir James Auchinleck of that ilk, knight, Mr. James Lindisay, canon of Glasgow, Thomas Cranstoun of that ilk, Andrew Ker and George of Hoppringill. George of Schoriswod, notary. 1st March 1446-7.

Tulliallan.

52. Notarial instrument narrating that Sir John of Edmundston, knight, lord of that ilk, appeared personally in presence of the notary and witnesses, and presented to the former a charter by Sir Patrick Earl Palatine of Stratherne to the following effect:—Charter by Patrick (Graham) Earl Palatine of Stratherne by which with consent of his spouse Eufame Countess of Stratherne he approved and ratified the gifts and grants made by Archibald Earl of Douglas &c. to Sir John of Edmundston, knight, lord of that ilk, and his heirs, of the lands of Tullialloun and "forslet" thereof in the regality of Stratherne and
shire of Perth, which were held of the Earl Palatine; to be held to Sir John and his heirs under the form of ward and relief, reserving the suit of court &c. due to the Earl Palatine and his heirs. Dated at Perth 1st April 1410. Thereafter Sir John presented to the notary an obligation by the Earl Palatine, in the mother tongue, relating to the lands and obliging himself and his heirs that when the Earl of Douglas resigns the lands they will infeft Sir John therein—with other conditions. Obligation also dated at Perth, 1st April 1410. The said confirmation and obligation being read, Euphame Countess of Stratherne gave her bodily oath on the gospels to observe the same. Done in the parish church of the burgh of Perth on St. Martin’s altar 31 March 1410 [sic but ? 1411]. Witnesses, William Lord of Grahame, Sir William of Preston, knight, Mr. Thomas Grahame, archdeacon of Dunblane, John Spens and George Gardyn, squires.

Miscellaneous Writs.

53. Notorial transumpt made in presence of Walter Idill, licentiate in decrees, canon of Aberdeen and official general there, at the instance of Richard Waus of Fyndoun, of two grants by King David II. and King Robert II. respectively. The first, (which is apparently not in any record,) is as follows: “Dauid Dei gratia Rex Scotorum, venerabili in Christo patri Patricio episcopo Brechinensis, cancellario nostro Socie, salutem. Sciatis quod concepimus vereoer certas et antiquas euidencias quod Willelmus ostiiarius capelle nostre, filius et heres quondam Alexandri de capella, de jure et consuetudine perciere debeat certa feoda in capella nostra; quequidem feoda antecessores dicti Willelmi a tempore quo non extat memoria in contrarium pereperunt, et quia tam per guerram quam alias vt intellextimus, carte siue litere quas antecessores dicti Willelmi de predictis feodis habuerunt penitus sunt destructe, volumus dicta feoda eidem Willelmo per cartam nostram nouiter confirmari et singellatim ac distincte declarari quatinus nobis constitit per antiqua scripta; primo, videlicet, quod idem Willelmus tanquam ostiiarius dicte capelle nostre pro feodo suo percepiat, de qualibet carta noue infeodationis dimidiam marcam argentii; de qualibet confirmatione in maiori forma dimidiam marcam; de qualibet confirmatione in minori forma quadraginta denarios; de qualibet litera rancoris, de remissione, de presentatione ad ecclesiam, de varena, de quacunque alia litera de gratia, duo solidos; de qualibet litera patente de cursu tres denarios, et de qualibet litera clausa vnum denarium: Item ad scacarium percipere debeat de qualibet vicecomite compotum reddenerte duo solidos; de qualibet bullino duodecin denarios; de qualibet custumario duodecin denarios et a camerario nostro tunc pro roba sua quadraginta solidos habebit et scacarium compoti cum coopertorio eiusdem quod antiquitas continere consensuerat [sic] tertiam partem vnius pecie panni cum formulis et scamnis mobilibus in domo scacarii situatis: Quare vobis mandamus et precipimus quatinus ipsum Willelmum habere faciatis cartam nostram sub sigillo nostro magno meliori et specialiori forma qua potentis de feodis supra dictis inhibentes, in eadem carta omnibus fidelibus regni nostri ne quis dicta feoda ab eodem detinere presumat super nostram plenarium forisfacturam. Datum sub sigillo nostro secreto, apud Edynburgh, xvj die Octobris anno regni nostri tricesimo quarto.” The second writ is a charter by King Robert the Second, granting to William de Camera the office of usher (“hostiarii”) of the king’s chancery
“capella” and also the land of Eroly with pertinents within the sheriffdom of Forfar annexed to the said office, which office and land belonged to John de Capella and were resigned by him; to be held to William and his heirs of the king and his heirs in fee and heritage, in every thing as the said John or his predecessors held the office, for performing the services due and wont of the said office and land. Dated at Perth, 17 March [1376]. This writ is recorded, though not verbatim, in the extant rolls of the great seal. The witnesses, whose names are not given in the record, were William, bishop of St. Andrews, John Earl of Carrick and Robert Earl of Fife and Menteith, the king’s sons, William Earl of Douglas, John of Carrie, chancellor, James Lyndesay the king’s nephew, Hugh of Eglinton and Robert of Erskine, knights. The writs were transsumed on 22nd October 1456 in presence of James Steuart, dean of Moray, Henry Herry, precentor, Henry Rynde, treasurer, and Martin Waus, canons of Aberdeen, witnesses. [Attached to the above instrument is an official extract from the “Liber Responsionum” 1508. “Talis facta est Responsio. Vicecomes de Aberdene respondit pro servitio regi debito et consueto de officio hostiarii scaccarii sive capellanæ sua, existente in manibus suis per specium septem annorum ultimo elapsorum saesina non recuperata; et d’hiusmodi servitio Regi annatim vt praemittitur faciendo Regi debito per sasnam datam Gilberto Waus de eodem apud Edinburgh penultimo Maii anno regni Regis vigesimo primo. Ita est in libro praedicto. Georgius Hay Cis Regii.”] The date at which the extract was made must have been between 1616 and 1622.

54. Notarial instrument narrating that at Edinburgh in the tolbooth there in presence of William Edmondstone of Duntreth and Master David Guthrie of that ilk, the king’s justices south of the water of Forth, there appeared Andrew Ker of Cesfurde, indited and by the king’s rolls accused of art and part of advice and assistance in the traitorous inbring of James Douglas, traitor from England within Scotland, and for treasonable communing with divers Englishmen to the hurt and prejudice of the King, his realm and lieges, and for traitorous assistance to the English and specially in the last battle between the English and Scots where the laird of Rutherford and others of the king’s lieges were taken, wounded, and slain by the treasonable assistance and deception of the said Andrew, and for art and part of consent and counsel made to Robert Lord Boyd and his son in their treasonable deeds and particularly in the violent, laying of hands on the king’s person at the time when he was taken against his will and carried from Linlithgow to Edinburgh; also for traitorous assistance and resettling of Robert Lord Boyd after he was declared a rebel, and also for his counsel and consent to the treasonable killing of Andrew Lord Avandale, chancellor of Scotland: which accusations Andrew Ker wholly denied and submitted himself to the recognition of the following jury, Archibald Earl of Angus, David Earl of Craufurd, Alexander Lord Kilmarns, James Lord Hamilton, William Lord Crichton, Patrick Lord Hails, Sir John Lundy of that ilk, Sir James Liddale of Halkerton, Sir Alexander Lauder of Haltoun, Sir James Crichton of Carnys, knights, Malcolm Fleming, son and heir apparent of Lord Fleming, Adam Hepburn of Dunsiar, John Murray of Falahill, James Twey of Drummelzier, Thomas Lowis of Mennar, David Crichton of Cranston, John Giffert, Alexander Cokbarn of Ormiston, James Auchinleech, Sir John Carlile of Torthorwald and Sir Robert Hamilton of Preston; which assize, being chosen and sworn, having removed from and
re-entered the Court, having diligently consulted and being fully advised, decreed and delivered that the said Andrew Ker was for ever acquitted and free from the accusations laid to his charge: on which he asked instruments. Done on 5th March 1470—71; witnesses, David Scott of Bucceleuch, John Turnbull of Hassindeanbank, William Cokburn of Henriland, Alexander Scott of Abington, Alexander Wardlaw, William Roger of Traquair, William Haket of Belses, and John Avenar.

55. Letters, written in the vernacular, by which Walter Ker of Cefurdu assigns and makes over to his son Mark Ker all and sundry the ward of the lands, annual rents and possessions of the late John Anyse of Dolphinston, together with the marriages of the heir or heirs, sons or daughters, under lawful age succeeding to his heritage, which ward &c. had been granted to Walter Ker by the king. Dated at Kelso, 26 March 1484—5; witnesses, Alexander Home, grandson and apparent heir to Alexander Lord Home, John Home his brother-german, Ralph Ker, George Gledstanes and others.

56. Letters of Remission by King James the Fifth with consent of the Regent John Duke of Albany, directed to James (Beaton) Archbishop of Glasgow, in favour of William Turnbull of Mynto, George Turnbull there, William Turnbull in Crag, John Turnbull in Mynto, John Turnbull in Hornishole, John Turnbull in Mynto, cousin of the said William Turnbull of Mynto, Robert Turnbull in Halroule, James Turnbull in Hillhouse, Fergus Turnbull there, John Turnbull, William Turnbull in Halroule, Thomas Turnbull there, David Turnbull in Hassindeanbank, James Turnbull in Woffley, Adam Turnbull there, Leo Turnbull in Unthank, William Turnbull in Roulewood, Andrew Turnbull in Foulton, George Turnbull there, Andrew Turnbull, brother of David Turnbull in Hassindeanbank, Adam Turnbull in Foulton, George Turnbull in Corsecleuch, George Turnbull in Bethroule, Robert Turnbull in Mensles, Robert Turnbull in Hassindeanbank, Marc Turnbull in Overchester, Archibald Turnbull his brother, Marc Turnbull younger, Richard Turnbull with Marc Turnbull in Overchester, David Turnbull with the same Marc, William Turnbull, John Turnbull his sons, Andrew Turnbull in Gatehousecote, William Turnbull his brother, Thomas Turnbull in Gatehousecote, Patrick Turnbull there, David Turnbull there, Andrew Turnbull in Overchester, Thomas Turnbull his son, Ninian Turnbull there, Ninian Turnbull in Roule, Andrew Turnbull in Roule, Andrew Schewill, William Schewill his brother, John Schewill, son of Andrew Schewill, David Schewill in Hoppiston, David Schewill in Langrau, Robert Brown with Archibald Turnbull, Andrew Turnbull, son of David Turnbull, and William Makge in Bethroule; granting to them a remission for their treasonable art, part and assistance given to the late Alexander Lord Home and his brothers in their treason, and for all other crimes, treason against the king's person excepted. Given under the privy seal, Edinburgh, 11th November 1516. Seal attached, in defaced condition.

57. Lease by Margaret, Queen of Scotland [Widow of King James the Fourth] conjunct of the lordship of Linlithgow, with consent of her husband, Archibald Earl of Angus, &c. granting to her "servitrix, Marioun Douglas, kepär to oure deirstone, the King," for life, the queen's acres of Linlithgow extending to 151 acres lying beside the burgh of Linlithgow, her entry to begin at this date; with power to subiet; and granting to her all rents and profits of the same during her

58. Letters of Slains, by which Michael Kyle, John Kyle, John Muir, William Asdail, four of the branches and nearest friends to the late William Kyle; Patrick Bryding, John Bryding, James Brown, Edward Wallace of Sewalton, four of the branches and nearest friends on the father's and mother's side to the late John Bryding, Allan Roys, Charles Roys, John Roys, Matthew Leiche, four of the branches &c. to the late John Roys; John Montgomery, Hew Hommyll, Adam Cochran, Patrick Montgomery of Giffen, &c. to the late Robert Montgomery; Patrick Brown, Michael Dewar, Janet Lyndissay, Margaret Myllar [&c. ut supra] to the late Finlay Brown; Donald Mund, James Scot, John Balze, James Douglas. . . . to the late John Mund; John Myllar, John Muir, Laurens Lyn, John Lyn . . . to the late William Myllar; John Conyngham, John Brown, Robert Symontoun, Walter Colquhoun . . . to the late William Colquhoun; John Garven younger, David Garven, John Recke, John Garven . . . to the late Arche Garven; Alexander Thomson, John Auld, John McCully, Adam Mure . . . to the late Gilbert McCully; James Hunter, George Hunter, Katherine Steill, John Hunter, four of the branches and nearest friends to the late Thomas Hunter; all grant them conjointly and severally to have remitted and "forgiffin frelie with hert and kindness ane honorable man, Murchie McWilliam of Auchinbrume, his frindes, kin, servandis, compleces, allya and partakares the kenbutes and crowell slaughter of the saidis persones commitit in the ies of Scotland be the said Murchie or his foirbearis in the yer of God m v fourth twa yeras or therby; with power to the said Murchie, his successouris, kin, frindis, servandis or allya and partakares in tymes to cum for ws, our ares, successouris and assignayes to pas and repas as our souerane ladyes leiges quhereuer he or thai thinkis expedient, but any vexation, molestation, perturbation, vnfrindlenes, disfrencheschip or vnkyndnes be ws or any one of ws in tymes cuming to be movit contrare the said Murchie or his foirsaidis" remitting and discharging " the kenbutis " of the said late William Kyle, John Bryding, John Roys, Robert Montgomery, Finlay Brown, John Mund, William Myllar, William Colquhoun, Arche Garven, Gilbert McCully and Thomas Hunter, for now and ever; binding themselves also never to molest or pursue the said Murchie for the "kenbutis" or slaughter of these persons, but to warrant and keep him seathless; and that because of certain sums of money received by the granters from the said Murchie for the "kenbutis" of the persons slain. Dated at Irvine, 3 March 1556–7. Signed by two of the parties, John Muir and John Auld, while a notary signs for the remainder. The parties state that having no seals of their own, they procure those of four burgesses of Irvine, but though eleven seals have been attached, one is wanting and the others are illegible.

59. Decree Arbitral by-Mary of Guise, Queen Dowager and Regent of Scotland, regarding the complaints made by William Kirkpatrick of Kirkmichael and Roger Kirkpatrick of Closburn for themselves, their kin and friends on one side, against John Charteris of Amisfield and his friends on the other side (who in turn complain against the Kirkpatricks), arising out of a dispute as to the marches between the lands of Kirk-
michael which adjoin those of Dalruskan belonging to Charteris, which has led to quarrels and bloodshed between the parties, resulting in the deaths of Roger Kirkpatrick in Dalton and Robert Welsh, friends of the Kirkpatricks, slain by Amisfield, and also in the deaths of Thomas Glencorse of that Ilk, James Charteris in the Hole and Harbert Coldane, friends of Amisfield, slain by the Kirkpatricks.

This writ is very long, but the main points are that the Queen, after narrating the cause of quarrel &c., as above grants a pardon to both parties and states that a commission is appointed to inquire into the matter. Alexander Charteris alias "Sande boy," John Charteris called "Willies Jok" and James Charteris alias "Gwmy" being exempted from the general remission—the Kirkpatricks paying 600 merks and Charteris paying 1000 merks as escheat money. Charteris and his friends who were denounced rebels are to be restored to their property. They are however to make compensation to the families of those slain by them. The Kirkpatricks are to desist from dealing with the escheated goods of John Charteris of Amisfield, Alexander Charteris of the Kirk, James Charteris of the Darn, Alexander Charteris alias "Sandye boy," John Charteris of Kowschaw, George Charteris, John Charteris of Bartonpand, Roger Charteris of Auchinsock, Andrew Charteris his brother, James Johnstone of Begartis, John Johnstone, brother to the laird of Johnstone, and others.

As to the burning of the town of Kirkmichael by the Amisfield party and the spoliation of six, score cows and oxen, 500 sheep and 1000 merks of goods, the Queen releases the parties from civil penalties on condition they stand trial criminally. As to spoliation of the lands of Kirkmichael in July 1554, Amisfield is to restore the goods taken, which are particularly enumerated, the first items being "three hakbutis of iron" and a "blowing horn." [The names of the tenants and the amount to be restored to each, follow.] On the other side the Kirkpatricks are to recompense the families of those slain by them and to make other restitutions as particularly stated. The Commissioners appointed, whose names are torn or eaten away—one of them being the Lord of Lochinvar (Gordon)—are to report to the lords of Session who shall do justice in the whole matter. Signed by the Queen "Marie R."

60. Letter by Mary Queen of Scots by which, "understanding that the priores and convent of the Senis vpoun the Borrawmuare byside Edinburgh, being awcheted in nounder, the maist parte thairof aigeit and decrepit having bot small thing to leve on conqueste with thair awin tochers and barnis parte of geir, quhilk is nocht hable to sustene thame in cais we tak vp the thrid thairof aucht to ws, and thairthrow thai salbe redactit to extreme povertie without we hauie pitie and commisseration vpoun thame," the Queen remits to the prioress and convent, the third due from their benefices to the Crown, and discharges all collectors of the third from troubling them. Dated at Perth, 16th May 1565. Signed by the queen "Marie R." and by "W. Maitland" her secretary.

61. Paper, without date entitled "Thir ar the provisiones thocheit necessar for fortifying of the Langholm and Wauchhopwallis." It begins "In the first mon be provvidit vii\textsuperscript{a} of pytarnis for the quhilkis to provide viij\textsuperscript{a} schullis, xi futs\textsuperscript{a} of spadis, iij\textsuperscript{a} of pikksis and mattrik\textsuperscript{a} and xij flawehtir spadis and vij gavelokis. Item that all the schullis and spadis be schoed with irne." The following workmen were to be provided:—"xij wrychteis" with their tools including "xij wod axis" and "xij womyllis"; "four masones and viij wallaris, viij quartouris"; rope=eighty
fathoms; "half ane dusone of planscheour nalis, half ane barell of dur-nallis and ij" garonnaillis"; "five smythis" with their tools. For the gates were to be provided a dozen large "crukit with boltis and bandis" accordingly, also two dozen small "crukit," with lead &c. Brewing apparatus were also to be furnished.

For victualling the workmen, "Item on the day ij bollis of meill bakin in layfis for the first viij days to be caryit to thaim furth of Hawik, and fra thinfurther meill and brois to be caryit to thaim as thai pleis." Three bolls of malt brewed into ale are also to be brought from Hawick and the provision is to be made in Jedburgh, Hawick and Selkirk "xvi" rowbouris of thre gallonis the peis" being used for carrying the ale. On the day "ve heryng" and "vj stane of cheis" are to be supplied, with "xx payr of crelis" to carry the bread. "Item for carying of viij days aill fyfty horse, for viij days breid xxiiiij hors, for the hering and cheis xx horse."

"Provisione for furnessing of victuallis to ij Franchemen. Item it is belavit thai will neid the breid of x firlottis quheet on the day for the quhilk the baxtaris of Edinburgh man be aggreit with that will tak on hand to furnel the samin. Item thai man half the aill of four bolls of malt on the day, and at the leist ther man be for the carying of the breid and aill furnesit crelis and rowbouris conforme to the quantite as is befoir reheresit. Item xxiiij payr of crelis for the breid carying. Item for carying of the aill xiiij of rowbouris. Item thair man be ixii horse of cariage providit of Tiiotdail. Item to provide xl horse of cariage in Edinburgh for carying of the werkumys, hering and cheis." [Not dated, but the reference to the Frenchmen indicates a period during the reign of Queen Mary.]

62. Warrant by Mary Queen of Scots, narrating complaints by the warden of the Middle Marches that certain barons and landed men namely, Nicholas Rutherford of Hundeal knight, Walter Ker of Dophonist, John Rutherfurd of Hunthill, Thomas Ker of Fairniehirst, knight, Richard Ker of Gaitshaw Thomas Ker of Marsington. Gilbert Ker of Greenheid and the Hoppringles of Clifton had been warned by the warden's officer to "enter and present dunders thaire men and tenentis duelland on their lands fylit of billis, and for the quhilkis our said wardane hes been constretit to gif his bandis and enter his awin servandis in Ingland" yet they had for three separate courts absented themselves and had not relieved the warden; wherefore the Queen charges them to do so on pain of treason. Dated at Ruthven, 12 June 1595. Signed by the Queen and Secretary Maitland.

63. Papers relating to the settlement of the feud between the Kers of Ancrum and Robert Ker of Cessford, Lord Roxburghe.

(1) Letters of Assurance by which Robert Ker of Ancrum and William Ker his brother for themselves and their friends, do, at the command of the Privy Council, assure Robert Lord Roxburghe, his friends &c., that they will be unhurt, unharmed and unmolested by the granters for any cause until the 15th July 1605. Dated at Perth — July 1604. Signed by the parties.

(2) Paper entitled "The humilation and humill humbirk offeris proceeding from the sincerelie penitent hart of the right honorabil Robert Lord of Roxburghe to Sir Robert Ker of Ancrome, his brother and remanent his freindis, for the vnhappy accident of the slanctuer of vmquhill William Ker thair father committit be me." "Qhainarent first I acknowledge and confes with ane containewall greif and grudge
of my conscience befoir God, befoir you and befoir the haill world the
vnspeikabill greintness of my grevous offens flor for the quhilk as I am
vneinzieble penitent befoir God and saill be Godis grace testifie the
same all the dayis of my lyff; sua I moiste humblie crave Godis mercie
and you the partie for the samin." He then in accordance with the
custom of the country offers a sum of money—in this case 3000 merks—
for "kinbut" and satisfaction. Third, he offers his sincere friendship
on all necessary occasions. "And finallie, becaus their is nothing con-
cerning the world, that I sa earnistlie wische as to hae that fact
repairit to my vther power and to be reconcil again with you my
freindis" he offers to submit himself to the judgment of others as to
increasing the sum proposed, and he earnestly professes his desire
to give full satisfaction, and especially anything wanting to exoner
the Laird of Ferniebirst "of quhois hous the gentilman was descendit."
He desires a "comfortabill answer." Dated "at the Freiris, the nynt
day off October 1606." (Signed) "Roxburghe."

(3) Extract from the Records of the Privy Council narrating that
Robert Lord Roxburgh and Sir Robert Ker of Ancrum
and William Ker of Snadoun on the other, appeared before the Council
in order to the removal of the feud betwixt the parties. Lord
Roxburgh expressed his readiness to be reconciled, while Sir Robert
and William Ker declared that "they wald nawyse submit the said feid
bot for his Maiestis obedience and satisfaction" and to testify their
willingness to obey they "choppit handis" with Lord Roxburgh, and
subscribed a letter of slains in his favour. Edinburgh, 20 November
1606. [Printed in Register of Privy Council, Vol. vii., p. 272.]

(4) Extract from the Records of Privy Council of same date, narrating
the choosing of arbiters by Thomas and William Keris and by Lord
Roxburgh. [Printed, ibid.]

(5) Letters of Slains by Sir Robert Ker, William and Thomas Ker,
his brothers, and William Ker called of Snadoun, for themselves and
friends, remitting and forgiving freely and from their hearts to Robert
Lord Roxburgh, Andrew Ker of Roxburgh, Dandie Young called "of
Know," George Rutherford, Mark Turnbull and James Bennett, their
kin and friends, the slaughter of William Ker of Ancrum, father of
Sir Robert and his brothers; renouncing all action against the parties
and receiving them to kindness. Dated at Edinburgh, 20th and 22
November 1606, in presence of the Lords of Council and others.

(6) Submission by the parties in favour of certain arbiters named,
dated and signed 22 November 1606, and Decree Arbitral by Andrew
Ker of Lintoun, Sir Robert Stewart of Schelinglaw, knight, Andrew
Ker of Fentoun and Mr. Alexander Seytoun burgess of Edinburgh,
 arbiters chosen on behalf of Lord Roxburgh, and also Sir James
Dundas of Arniston, knight, John Monypenny, sior of Petmelly, and
Mr. William Edlin, apparent of Pittadro, arbiters on behalf of William
Ker and Thomas Ker, sons of the late William Ker of Ancrum, taking
burden also for Andrew Ker their brother and Isabel Ker, their sister, as
to the satisfaction to be given for the death of William Ker, decrening
Lord Roxburgh to pay 10,000 merks Scots on the Regent Murray's
tomb in St. Giles Church, Edinburgh, by 10th November 1607, to the
other party, and also to crave their pardon &c., while the Kers on the
other hand are decerned to put away all hatred, to receive Lord
Roxburgh to their friendship and to subscribe a letter of slains to him.
Dated at Edinburgh, 22 November 1606. Signed by the arbiters
and the parties.

(7) Discharge by the said William and Thomas Ker, in favour of
Lord Roxburghe of the sum of 10,000 merks. Edinburgh, 11 November 1607.

(8) Letters of Slains or Assurance by them, also in his favour. Same place and date.

64. Letters by Sir Andrew Ker of Ferniehirst, Sir Robert Ker of Ancrum and his brothers, for themselves and friends, assuring Robert Lord Roxburgh, his kin and friends, of safety from molestation until 1st February 1607. Dated at Ancrum, 28 February 1606; Sir Robert Ker signing for himself and his brother George.

65. Last will and Testament of Robert [Ker, second] Earl of Lothian, nominating and appointing his daughters Anna Ker and "Gene" [Jean] Ker his only executors and intromitters with his goods and gear, which he disposes wholly to them, his debts being first paid. He also nominates his wife, Dame Annabella Campbell, tutrix testamentar to his son Charles Ker and his daughters, of whom she is to have the custody and education during her widowhood only; and in case of her death or marriage, he appoints Robert Earl of Roxburgh, George [Gordon] Earl of Enzie, Sir John Hamilton of Preston, Sir James Richardson of Smeaton and David Crichton of Gilmerton tutors testamentar to his said son and daughters, nominating also Mr. Thomas Hope, Mr. Alexander Morison, John Belschies and Richard Cass, as tutors ad lites to his children during their minority—with powers—under the special provision that it shall not be lawful for them to dispone or alienate from his "house of Lothiane, the tynds of Dalwissy of Cokpen Kirke." Dated at Newbattle, 4 January 1623. Signed "Lothiane."

66. Testament by Harry Lord Ker (son of Robert first Earl of Roxburgh), nominating his daughters Lady Jane, Lady Margaret and Lady Anne Ker, equally, to be his executors, and appointing Sir Andrew Ker of Greenhead, Andrew Ker of Linton, Robert Ker of Graden, Mr. William Bennett, parson of Ancrum, Andrew Ker of Maisondieu, Andrew Ker of Chatto and Alexander Don, clerk of Kelso, as tutors to his said daughters and to the child to be born of Lady Margaret Hay, his wife. He leaves £5,000 Scots to his wife over and above her jointure, making £10,000 Scots in all yearly. He makes various provisions for his children contingent on the unborn child being a daughter. Because of his sense of his father's tender love and affection he appoints him his only tutor to his children and leaves to him the absolute care of them and his wife. He appoints also the Earls of Wintoun, Perth, Kinghorn, Lauderdale, Traquair and Callendar, and Lord Carnegie as overseers. Dated at Broxmouth, 31 January 1643.


68. Copy Testament by Robert (first) Earl of Roxburgh &c. appointing Sir William Drummond, youngest lawful son of John Earl of Perth, his executor. The provisions of the will do not call for
60. Copy Testament by William (second) Earl of Roxburghe, appointing Robert Lord Ker his eldest son as his executor. Dated at Kelso, 11th November 1674.

MISCELLANEOUS ROYAL LETTERS.

70. Letter, Mary Queen of Scots to the Laird of Cesfurd, Warden of the Middle Marches, desiring him to postpone for a time the "day of trew" fixed with Sir John Foster, the English Warden, and to come to Court by the seventh of April at night or before the diet of Council on the eighth, when he "sall haue farther knawlege quhat to do in all behalflis." Edinburgh, 1st April 1566. "Marie R."

71. Letter by Mary Queen of Scots to the same:—"Traist freind, we gret you weil. We intend, God willing, to repair in Teviotdaill to see justice ministrat. And becaus it is our first jornay in that cuntre, it is neidfull afoirhand that we consult vpoun sic thringis as salbe thair ado—quhairvnto your avyse and presens is verie necessar. Quhairfoir we pray you, all excusation and delay set aside, that ye faill nocht to be at ws in Edinburgh vpoun the first day of October nixt, as ye will do ws acceptabill plesour. Subsercinit with our hand at Edinburgh, the xxv day of September 1566. Marie R."

72. Letter, Queen Mary to the same:—"Traist freind, we gret you weil. We hane wriittin oure mynd to the Lord Hwme anent sum likly purpos to be interprisit for the queting of that cuntre. To be schort, a force mon be set against Liddisdail quhairof ye mon be ane of the chief executoris. We hane wriittin to Sir John Forster to avyse with my Lord Hwme and yow anent that is to be done and thairfoir we pray yow faill nocht to be in Hwme vpoun Friday at evin the xiiij day of this instant and thair avise with our lettre sent to the Lord Hwme, quhilk we estime as wriittin to you baith. And gif ye find that Sir John Forster will keip tryst at the place to be appointit be him, set furthward in all thringis that quhilk may furthar quietnes, and advertise ws of your proceding first and last. In the meynytyme gif warning to your nearest friends and weillwalleris to be reddy; vtheris salbe warnit with our auctorite. And sum refferrand to your anser. Subsercinit with our hand at Edinburgh, the x day of Merche 1566 [1567]. Marie ṫ."

73. Letter from James Earl of Morton, Regent, to "The young laird of Cesfurd" as warden, thanking him heartily for the pains and trouble he had taken in retaining the country in good order and quietness "quhairin we pray yow continew; and thairwith to stand as afoir on your gart, quhill ye see quhat sucess materis takkis, quhilkis we can not think salbe vtherwyse then weill; yit as ye may be cairfull to vnderstand quhat your nychtbouris ar doyng, without attempting any thing quhill ye advertise and have oure mynd. We louke very shortlie to be certainelie and specialie certifit, for this day the ambassadour is riddin to Berwik. As to the man quhome ye haue apprehendit we culd very weill aggre to gif your self a commission to execute justice on him, wer not it hes happynnit yow to be the taker of him and that ye haue particular interesse. Thairfoir it salbe metaist that ye caus him
74. Mandate or Warrant by King James the Sixth to Robert Lord Roxburgh, warden of the Middle Marches, reminding him of the special commission given to him "to caus accouse and put to the tryall of ane assyse Mr. Peter Nairne for his abominable atheisme, willfull and detestable derisoun and contempt of God, in taking vpoun him willfullie at ane tyme the office of ane minister of the reformit religioun and of ane messe preist, and dischairging baith the saidis callingis be preicheing as ane lauchfull minister of the trew religioun to sic as he knew to be professouris thairof and saying messe to vtheris that lykit the same, changeing at all tymes and occasiouns his schow of religioun in inconveniencis." that he feirit nocht vpoun ane day to say messe as ane ordinar preist and vpoun that same day to preiche as ane ordinar minister lauchfullie admitit to that calling; for the bettir coulouring quhairefor, at the resaving of his admission to the ministris, he deceitablie changit his name and callit himsell Mr. Robert Bruce, quhairby he mycht not be knawin nor tryit in his abuseis; for beiring and weiring of pistolettis contrair our lavis and actis of Parliament and for his wicked, mischevous and traiterous interpyse of the murther of Inglische gentleman, quhome he persuadit and convoyit furth of his cuntrey and brocht within our realtime, of sett purpois and deliberatioun to murder him causles vnder traist and freindschipe, and attempting to put the said intendur murther to executioun within your duelling place of the Freiris be halding of ane bendit pistolet to his breist to hare slaine him; and drawing of Inglisch gentleman within this our realtime to the effect he mycht tak him prisoner and detene him captive quhill he had redemit his libertie with ransoun, and for euerie ane of the saidis crymes particularie abouewrittin; and understanding the saidis crymes to be sua far to the contempt of God and of ws and our auctoritie and sua reprochefull to our people and realtime, that the oursicht and impnite thairof mycht bring furth monyfauld scanderis and grit inconvenientis," the king desires Lord Roxburgh to put the culprit to trial "and seing he hes confessit the samyne and can nawayis be clement," on being found guilty by a jury he is to be hanged and his head struck off and "affixed vpoun a publicit place of the mercie betuix the tua realtime to be a testimony to baith the nationis of our eirnest cair that freindschipe, love and amitie may be intenete betuix our subjectis and the inhabitantis of our nychtbour cuntrey," &c. At 1601. "James R."

75. The earliest of these writs is the great charter by King Malcolm the Fourth, in which he narrates the original founding by his grandfather King David the First, while still Earl, of an abbey at Selkirk, which after his accession to the throne he transferred to Roxburgh, in the church of the Virgin Mary situated on the banks of the river Tweed in the place which is called "Kelcho." King Malcolm confirms to the monks all grants, liberties and lands bestowed on them by his grandfather and others. The charter is dated 1159 at Roxburgh. It
is merely noted here, because it is printed and a complete facsimile of it given in the "Registrum Cartarum de Kelso" presented to the Bannatyne Club in 1846, by the then Duke of Roxburghe.

76. Bull by Pope Lucius III., forbidding any one to excommunicate the abbey:—Lucius episcopus, seruus seruorum Dei, dilectis filiis Osberto Abbati et fratribus ecclesie sancte Marie de Kelchoun, salutem et apostolicam benedictionem. Licet uniuersa loca religiosa ex commissi nobis officii debito fiione ac diligere debeamus, illorum tamen profectibus specialem nos oportet curam impendingere que ad iurisdictionem beati Petri et nostram noscentur nullo mediate spectare: Inde siquidem est quod nos libertates et iura Monasterii uestri et ea maxime que ipsi ab apostolica sede indulta sunt integra uolentes et illesa seruare, deuotioni uestre auctoritate apostolica indulgenmus, ut si quis archiepiscopus, episcopus uel alius ecclesiarem prelatus in aliquaem de consortio uestro excommuniciacionis, suspensions uel interdicti sententiam aliquo tempore promulgare presupserit, nullas uirea optinente, sed irrita et uacua potius habeatur. Nos enim uniuerse que uobis et monasterio uestro apostolica sede indulsit et per nostra et anteceссororum nostrorum privilegia roborauit firmitatem perpetuam et robur inuiolabile uolumnus optinere. Decernimus ergo ut nulli omnino hominum liceat hanc paginam nostre constitutionis infringere uel ei ausu temerario contraire. Siquis autem hoc attentare presupserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Velletri, xvi kal. Aprilis [1182–1185].

77. Bull by Pope Celestine III. lightening taxation. Celestini episcopus, seruus seruorum Dei, dilectis filiis Abbati et fratribus monasterii Kelkocnsis salutem et apostolicam benedictionem. Cum penes apostolicam sedem auctoritas canones condendi resident per eam necesse est ut constitutiones canonice in suo statu seruentur et violatores earum merita pena plectantur; sicut autem ex uestra parte nostris est auribus uentum quidam archidiaconii ac officiales eorum subditas uobis ecclesiae in suis archidiaconatibus positas, seu obtenta consuetudines visitantae, in suarum procurationum actionibus uobis et ecclesiis ipsis nimium graves existunt, actionis numerum in Lateranensi concilio constitutum plurimum excedentes. Ut igitur uestro in hac parte graumamii auctoritate apostolica consulari presenti uobis scripti pagina duximus indulgendum, ut archidiaconii seu eorum officiales in ecclesiae uestras cum maiori numero quam concilio eodem exprimitur recipere minime teneamini, nec ipsorum sententias observare siquas in illarum aliqus uel ministros eorum pro eo quod taliter ad ipsas ecclesias accedentibus procurationes impendere recusatis presupserint promulgare. Nulli ergo omnino hominum liceat hanc paginam nostrae concessionis infringere uel ei ausu temerario contraire. Siquis autem hoc attendare presupserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Laterani, xvij kal. Aprilis, pontificatus nostri anno quarto. [16 March 1195.]

78. Bull by Honorius III. giving personal protection. Honorius episcopus, seruus seruorum Dei, dilecte fili Rectori Heremi de Merkynghy; salutem et apostolicam benedictionem. Cum a nobis petitur quod iustum est et honestum, tam uigor equitatis quam ordo exigitionis ut id per sollicitudinem officii nostri ad debitum perducat effectum. Eapropyter, dilecte in Domino fili, tuis insis postulationibus grato concurrentes assensu personam tuam [torum] cum in quo diuino es obsequio mancipatus, cum omnibus bonis que imponentiam ration-
nobiliter possidet aut in futurum iustis modis prestante domino poterit adipisci sub beati Petri et nostra protectione suscipimus. Specialler autem possessiones, terras, libertates et immunitates ac alia bona ipsius Heremi, sicut ea omnia iustes possides et quiete tibi et per te ipsi Heremo auctoritate apostolica confirmamus et presentis scripti patrocinio comminimus; dum tamen exuide nullum aliqui prejudicium generatur. Nulli ergo omnino hominum, [etc., ut supra]. Datum Alatri, v Idus Maii, pontificatus nostri anno sexto. [11 May 1222.]

79. Bull by Pope Innocent IV.

80. Bull by Innocent IV. directed to the Abbot and convent of Kelso, in answer to a representation from them that the Bishop of St. Andrews had with their consent determined a perpetual vicarage in their church of “Kaledoure,” a portion being assigned to the vicar out of the bishop's rents, confirming the same by apostolic authority. Dated at Lyons, 10 May 1250.

81. Bull by Pope Alexander IV., forbidding hospitality to women. Alexander [etc.] dilectis filiis Abbati [etc.] Ad aures apostolatus nostri peruenit, quod ex eo quod ad uestrum monasterium hospitandi causa nonnullem mulieres frequenter accedunt, moram ibidem longam et inutilem facientes, contingit idem monasterium non solum granibus onerarii expensis, sed et fratres in eo Domino seruientes quod est granius granier infamari. Cum igitur non solum a malo sed etiam a mali specie Christi famulos oporteat abstiner, nos qui circa salutem uestrarum et ipsis monasterii statum debemus eo attentius vigilare, quo nobis uestrum et eiusdem monasterii cura specialius est commissa super hoc salubre remedium adhibere nolentes uobis monasterio ipso ad presens Abbate uacante et Abbatiibus qui pro tempore in eodem monasterio fuerint uestrisque successoribus presentium auctoritate in uirtute obedientie districtius inhibemus, ne decetero infra portas diei monasterii nel in eius grangis pernoctare mulierem aliquam permittatis. Nulli ergo [etc., ut supra]. Datum Laterani, ij. kal. Februarii, pontificatus nostri anno septimo. [31 January 1261.]

82. Bull by Pope Alexander IV. directed to the Prior and convent of Lesmahagow,—in answer to their petition setting forth that the late William (of Bondington) bishop of Glasgow had assigned to their use the church of Kilmours in Cunningham in his diocese, of which church the Abbot and Convent of Kelso of which the Priory was a member had the right of patronage, while the institution of the rector belonged to the bishop, so that the fruits of the church were wholly converted to the use of the brethren in the priory, who were to serve the church by their own chaplain and were to bear the episcopal dues and other
burdens thereof,—confirming the arrangement thus made. Given at Anagni, 28 January 1261.

83. Bull by Pope Benedict XIII. directed to the Official of Glasgow, narration the petition of William Alanson [Alani], presbyter of Glasgow diocese, as to the perpetual vicarage of the parish of Selkirk which had been resigned by John of Sesclaw, the former vicar. The resignation was made in the hands of the subdean and chapter of Glasgow, the church or see being then vacant and the dean absent. Patrick Abbot of Kelso presented the said William to the subdean &c. as a proper person for the vicarage and he was instituted, but hesitated to accept doubting the legality of his presentation, and the official is empowered to secure him and all his rights in the vicarage. Given at Avignon, 25 October 1395.

84. Bull by Pope Benedict XIII. directed to John Forster, canon of Aberdeen, regarding a complaint by Patrick Abbot of Kelso, that William Mounswald, Official of Glasgow, had without any jurisdiction, ordinary or delegated, at the instance of James Moscrop a presbyter of Glasgow diocese, caused the Abbot to be publicly excommunicated, empowering the canon to try the case, and to cause his decree be enforced by ecclesiastical censure. Given at Saone, 26 March 1406.

85. Bull of Pope Eugenius IV. directing the Abbot of the Monastery of Kelso to enquire into and do justice regarding a complaint by Alexander Preston, vicar of Ednam parish, that Thomas Wardlaw presbyter, Henry Sinclair and other laymen had assaulted him to the effusion of blood. Given at Florence, 18 March 1439. [This writ is so much eaten away, that its contents can only be stated in general terms.]

86. Bull of Pope Nicholas V., directed to the bishops of Spoleto and Glasgow and to the Abbot of the Abbey of Holyrood near Edinburgh, setting forth that the perpetual vicarage of the parish church of Haddington had been vacated by the promotion of George [Schoriswood] as bishop elect to the see of Brechin, and that the Pope had reserved the church to James Gray, clerk, of the diocese of St. Andrews and M. A. The commissioners are therefore required to institute him in the said church with its rights and dues, &c. Given at Rome, 8th March 1453–4.

87. Form of oath taken by the Abbot of Kelso.

"Forma juramenti. Ego Robertus, Abbas Monasterii beate Marie de Kelso, ordinis Sancti Benedicti, Sancti Andrei dioecesis, ab hac hora inantae fidelis et obedientis ero beato Petro sancteque apostolice Romane ecclesie et domino nostro domino Paulo Pape ij suisque successoribus canonice intrantibus; non ero in consilio aut consensu uel facto ut uitam perdant aut membrum, seu capiantur aut in eos violenter manus quomodoli set ingerantur uel injurie aliue inferantur quousque quisolre colo; consilium nero quod michi creditur sunt per se aut nutiosus seu litteras ad eorum damnum in scientia nemini pandam, papatum Romanum et regalia sancti Petri adiutor eis ero ad retinendum et defendendum contra omne hominem; legatum apostolice sedis in eundo et reducendo honorificie tractabo et in suis necessitatisibus adnuabo; iura, honores, privilegia et auctoritatem Romane ecclesie, domini nostri Papae et successorum predictorum conservare, defendere, augere et premuere curabo; nec ero in consilio uel in facto seu in tractatu in quibus contra ipsum dominum nostrum uel eandem Romanam ecclesiam aliqua sinistra
uel preiudicialia personarum, iuris, honoris, status et potestatis eorum machinientur, et si talia a quibuscunque tractari nouero uel procurari impediam hoc pro posse meo et quanto citius potero commodo significabo eidem domino nostro uel alteri per quem ad ipsius notitiam posit peruenire; regulas sanctorum patrum, decreta, ordinationes, sententias, dispositiones, reservationes, promissiones et mandata apostolica, totius uiribus observabo, et faciam ab alius observari; hereticos, scismaticos et rebelles domino nostro uel successoribus predictis pro posse persequer et impugnabo; vocatus ad synodum neniam nisi prepeditis fuero canonica pre-peditione; possessiones uero ad mensam monasterii mei pertinentes non uendam nec domabo neque impig[nora]bo neque de novo inuicabo uel aliquo modo alienabo, etiam cum consensu contentus monasterii mei, inuoluto Romanu Pontifice, et si ad alijquam alienationem denenero penas m . . [torn] . . er hoc edita constitutione contentus eo ipso incurrere uolo: Sic me Deus adiuuet et hec sancta Dei euangellia." [The leaden seal attached varies from that usually attached to papal bulls. Such bear the name and number of the Pope on one side and the heads of Peter and Paul on the other. In the present seal Peter and Paul are represented by small figures seated in chairs. St. Peter bearing a key in one hand, and St. Paul a sword. On the obverse are represented three figures seated, the centre apparently being the Pope ["Paulus, pp. II."] with a number of figures kneeling in the foreground. The date of the oath is not given but it must be between 1466 and 1471.]

88. Bull by Pope Sixtus IV, directed to the Abbot of Holyrood, and to the Precentor and Chancellor of the church of Glasgow, narrating a petition by Robert abbot of Kelso and the convent there that although Richard Abbot of Melrose and his convent were bound to pay them certain moneys from the greater and lesser tithes of some possessions in the parish of Mol [Mow] united canonically to Kelso, due under an agreement made between their predecessors and observed from a period past memory till now, yet the Abbot and Convent of Melrose refuse to pay the money though often requested to do so, and that "in animarum suarum periculum dictorum que Abbatis et conventus dicti monasterii de Calco non medicum detrimentum"; wherefore the Abbot &c, of Kelso have prayed the Pope to commit the cause which they intend to move against the Abbey of Melrose to some good men; in terms of which petition the Pope grants this commission, with full powers. Given at Rome, 28 April 1473.

89. Bull by Pope Alexander VI. [Borgia] directed to the official of Glasgow, in favour of James Mury, scholar, of Glasgow dioecese, who petitioned that though the son of a "religious" he might, notwithstanding the defect of his birth, be promoted to an ecclesiastical office, Given at Rome, 18 December 1500.

90. "Chalmerlane Compt of the Cell of Lesmahago" for the year 1556. This account, made by John Weir, chamberlain of Lesmahago, of the rents belonging to that dependency of the Abbey of Kelso, is too long for quotation, but it is printed in full in the "Registram Cartarum de Kelso." Bannatyne Club, 1846. Vol. II. pp. 475-485.

91. Mandate by Mary Queen of Scots addressed to the "Prieur and convent of our abacie of Kelso" stating that a complaint had been made by "the inhabitants of the town of Kelso, schawand that thai and their predecessouris past memorie of man hes bene kyndlie and natu
92. Commission by King James the Sixth and James Earl of Murray, Regent, narrating that Mr. William Schaw, provost of Abernethy, chamberlain for the time of the Abbey of Kelso had intromitted with the rents thereof for the crop and year 1566, and Mr. Peter Dishingtoun now chamberlain had intromitted with the crop of 1567, but no count and reckoning had been made of their intromissions, wherefore Adam bishop of Orkney, Mr. James Makgill of Rankeillor Nether, clerk register, Sir John Bellenden of Auchnoule, justice-clerk, Mr. Henry Balnaves of Halhill and Maister John Spens of Condie or any three of them, are appointed to receive and audit the accounts rendered by these chamberlains of the rents of the Abbey of Kelso, with full powers. Edinburgh, 25th April 1569. “James, Regent.”

93. “Rental of the Abbacie of Kelso,” said to be about 1567. [Printed at length in “Registrum Cartarum de Kelso,” Vol. II., pp. 489-532.]

94. Paper entitled “A draught of the hail pensionis gevin out of Kelso.” The first entry is “the pensionis gevin furth of Kelso of the ald be the abbottis or commendateris thairof with the consent of the convent.” “In the first to Robert Ker of Ancrum 1′xl." To Mr. Walter Balfour and Mr. William Schaw, each £100; Mr. John Spens £39 13s. 4d.; Robert Balfour £40; Mr. John Stewart and Henry Kinloch each £44; James Makene the £30 and John Johnstone, scribe, £22. In all “vxxli.“ The contribution of the lords of session £56. “Item the sustentation of the convent reswand of money vjx of pundis, vj chalderis malt, thre chalderis quheit = “ iii′ xxxiilit vjs. viijd.“ The sum of the whole above charges being £929 6s. 8d. Scots.

“The pensionis gevin furth out of Kelso be the quenis grace without consent of the abbot or convent.” “Item in the first,” James Cunningham, son of the earl of Glencairn occupies possessions belonging to the Abbey rented at £1,600; Thomas Ker, son to the laird of Cesfurd, £433 6s. 8d.; William Ker, brother to the laird of Fermehirst, £333 6s. 8d.; Mungo Grahame, the church of Selkirk, rented at £333 6s. 8d.; John Seemple, £333 6s. 8d.; William Home, son of the laird of Cowdenknows, £200; Alexander Home, brother to the laird of Aytton, £200; the laird of Bargany, £200; amounting in all to £3,633 6s. 8d. “The pensionis gevin out be the last abbot” Mr. Alexander Mauchane, £20; Mr. George Freir, writer, £12; and
James M'carthunay £12. These three sums amount to £14 and the whole pensions enumerated above equal £4,606 13s. 4d. Scots.

"Item the Quenis Grace seing this benefice as chargit with pensions that his cousine Francis Stewart culd haif small thing thairof to his sustentation, thairfor his Grace gaif and disposit to him hir Maisties thrid of the said benefice aswell of the pensions as of the rest, suh that gif ilk ane of the pensioneris wald be content of the tua part and lat him be with the thrid it mycht be ane reasonabill laying vnto him albeit it be prouidit in his gift that he suld sustene the ministerie in his awin kirkis." "Item in ilk maner it wes commonit betwix hir Grace and my lord secretar the time of the demitting of Coldingham that the said Francis suld have had ane pensioun furth of the samin howbeit it wes nocht done. Bot he obteinit the gift of the thrid thairof allauerle, albeit this priore of Coldingham wald nocht allow the samn bot takis vp baith tua part and thrid. Thir thingis I wald my lord regent wer aduertist of to the effect that in cais ony alteration be of thier thridis in parliament his Grace may be forsen in quhat cais his brother sone standis and that his Grace may be myndfull that he may be prouidit of sum levying." [Not dated, but evidently written between 1567 and 1570.]

95. Paper endorsed "Statutes maid concerninge the kirk and other things within the town." This document is of considerable length but one or two of its items may be noted. (1) The bailie and his assessors ordain all inhabitants in the town and parish of Kelso to repair to prayers and preaching on the Sabbath day at least, under pain of half a merk unless reasonable cause of absence be shown—the money to be given to the poor. Provision is made for noting absentees. (2) The bailie forbids all resetting of "fornicatouris" and other similar persons within the town. (3) The bailie approves and ratifies the acts formerly made as to the churchyard "with this additioon that na maner of bestial, sick as horse, nolt, scheip, swyne nor geis at na tyme be put thairin, and forther that na skyunis, woll nor clayth, be laid nor kelpit thairin vnder the pane of viijs." of fine. The grass in the churchyard is to be either "schorne or mawin and nawayis eittin." Provision is made for building the churchyard wall, and punishing those who break it down. (4) The acts amen "harlottis" to be put into execution, also those "maid agains pylgrymis," servants contravening the act to forfeit their wage, and masters to pay £10 Scots, "dischairging alsae pauche playis, tymmer, wychtis, basefyris and rying of baisingis, ilk persoun transgressand in ony of thir to be punischt as is abone writtin." (5) Provides for regular attendance at session meetings and fining absentees. (6) The bailie "vpoun the complent gevin in be the minister agains the hailit inhabitantis within the town and parochin of Kelsoe for keiping a superstitious yeirlie feist to our Lady at Yuill and all vther superstititious daysis, and keiping that day baile and ceisung from all workis that day as it were the sabboth of the Lord, expres agains the law of God and actis of Parliament," forbids any one to "keip, mak nor provyde ony kynd of banket or feist vpoun the saidis daysis or aucht daysis befor or aucht daysis eftir, nor yit in ony caise to leif of to wirke all lawfull workis accustomed to be vset vpoun any vther wurk day " under a fine of £10 Scots or imprisonment for ten days on "breid and watter." It is also enacted that in the "towns" of Kelso, Sprouston and Redden, "maillers" or farmers should have a horse worth 40 merks, cottars, merchants, &c., a horse worth above 20 merks, with armour, each footman to be furnished with steel.
bonnets, plait sleeves, long staves, spears and guns, to be used for the king's service, under the Bailie. The remainder of the enactments relate to the ordinary police of the burgh, and are not specially noteworthy, except one which requires the inhabitants to "lift away their middingis" from the front street and to pave the street, all future laying down of "middingis" there being forbidden. Dated at Kelso, 3rd April 1593.

**Bellenden Papers.**

96. Letters of maintenance by George [Crichton] bishop of Dunkeld by which he binds and obliges himself to his "wellbelouit man and seruand, Maister Thomas Bellentyne," who is bound to the bishop in manrent and service for all the days of his life, that he "sall supplie, keip, manteine and defend the said Maister Thomas in the peciable possessione and brooking of all his takkis, steddings, rowmis, positions and gudis mouable and vn mouable at oure power and sall tak his afauld leill and trew partie" in all his actions, causes, &c. [in usual form]. Dated at Edinburgh, 27 March 1530. Mr. Robert Crichton, provost of St. Giles, Edinburgh, Mr. Francis Bothwell, dean, and others, witnesses.

97. Extract from Privy seal record of Letter of Gift by King James the Fifth granting to Patrick Burne, daily servitor to Mr. Thomas Bellenden, clerk of justiciary, the office of keeper of "the assyis dur of all and sindrie justice airis quhaircurt thai sal happein to be haldin and of justice courtis" for all the days of his life, with such fees as John Bell or any other of his predecessors had. Edinburgh, 13 December 1540.

98. Contract of Marriage, by which it is agreed "betuix ane nobill and mychtie princes, Marye, quene drowriar and regent off Scotland, and Gylbert Errl off Cassilis in name and behalp and takand the burden vpoun hym for Schir Hew Kennedy off Garvanemains, knycht, Barbara Kennedy his dochter and Dame Jane Stewart Lady Methphen, his mother, on that ane part, and Schir Jhone Bellenden off Auchnoull, knycht, justice clerk, on that other [part], in maner forme and effect as effir followes." Sir John shall marry Barbara Kennedy between this date and "Allhallowmes" next, and shall settle upon her a liferent provision of 200 merks yearly, and shall infeft her conjointly with himself in any lands acquired after the marriage; while on the other hand he shall receive with her a tocher of 2200 merks, payable by instalments, &c. Dated at Edinburgh, the 30th September 1554. "Marie R.," "Cassillis," "J. Bellenden." Jean Stewart Lady Methven signs by touching the pen of a notary, at the Abbey of Holyrood on 7th October 1554, before the Earls of Argyll, Glencairn, Marischal and Angus and the Abbots of Cupar and Culross, as witnesses.

99. Lease by Christian Bellenden, "prioress of the place callit the Senis besyd the burght of Edinburgh," and the convent of the same, with consent "of ane religious fader, freir John Greirson, provinciall of the Freris predicatouris within the realme of Scotland," in favour of James Wilky, one of the bailies of the Canongate, leasing to him "oue landis of oure kirk of Sant Laurence exceptand the Spittell rig, with thair pertmentis extendand to four skoir and twa aikeris of land or thairby lyand besyd the burght of Hadingtoun on the west syd thairof, within the constabulary of the sumyn and sherefdom of Edinburgh"
for the period of seven years, at a yearly rental of 64 balls of victual "half quhit, vgnruld malt without cherite," to be delivered at the 
Schiennes between the feast of St. Andrew [30th November] and the 
"feist of the croe callit Beltane" [1st or 3rd May]. The lease is 
dated at the "Senis," 15 February 1555–6. [The following are the 
names of the sisters then in the convent of the Schiennes near Edin-
burgh:—"Sister Cristian Bellenden, priores, Sister Elizabeth Naper,
suppriores, Sister Katherine Seytoun, Sister Marione Craufurd, Sister 
Elizabeth Naper, Sister Jane Douglas, Sister Margaret Dunbar, 
Sister Margaret Naper, Sister Agnes Naper, Sister Isabell Cant, Sister 
Katherine Neisbet, Sister Beatrix Blacater."


"I Johne Gichane, burges in Edinburgh, gratnis me to hae resquit 
fra Alexander Russle vij barrell of fyne crovne ase and hes schipit 
thame in ane schip of Leith, the maister skyper callit George Chalmer, 
and the said Alexander Russle to beir the wentuir of thame to 
Flanderis and the said John Gichane to deluir for the vij barrell of 
croven ase in the Camfeir of fre money viili. x.s. greit Flemis money 
to Phelop Craik at the command of the said Alexander Russle to be 
wa pit at Alexander command; and to the observing and kelping of the 
saming the said Johne Gichane hes pit to his merrick with his win hand 
beacuse he can nocht writs, at Edinburgh, the third day of Merche anno 
1563, afoir thir witnes, Patrik Loutit, burges in Edinburgh, Johne 
Tomsone, Phillop Craik with vtheris diueris."

101. Draft or scroll outline of a contract between Matthew Earl of 
Lennox for himself and his wife Lady Margaret Douglas on one side, 
and Henry Lord Darnley, their eldest son and apparent heir, on the other 
part, by which the Earl "for the lufe and favoure he berise towarde his 
foirsaid sone and for the conservacione of his hous and leving of the 
Levinax with his name and posteritie of the Stewartis" and for other 
causes binds himself with all diligence to obtain a charter to the said 
Lord Darnley and his heirs male, whom failing to Charles Stewart his 
brother german and his heirs male &c. of the lands of Kilmahew now 
belonging to James Stewart of Cardonald by virtue of a decree on a 
pretended apprising, but which he is to resign in favour of the Earl; 
and on the other part Henry Lord Darnley—"willing to recompense his 
foirsaid faderis liberalitie and favoure with all thankfulness of mynd 
and humill behaueour, as becumis ane laving and gade sone to do to the 
father and moder, and to the effect that his foirsaid fader and moder be 
navayis hinderit nor deteriorat in their honour, estimation nor profitte 
throuth their foirsaid liberalitie bot rather that soothe be augmentit 
and meliorat thairby"—binds himself to infeit his father in liferent in the 
lands, to be held of himself and the queen, and also in case of his 
hather's death, to secure his mother her reasonable terce, and meanwhile 
to make his father his cessioner of all lands &c. belonging to him &c. 
No date, but probably in 1565.

102. Letter addressed by Mary Queen of Scots and King Henry 
[Darnley] to the "Priour and convent of Halieruidhous," that a former 
letter had been written requiring them to expedite the letter of bailiary 
granted by "our brother of Halieruidhous" [Robert Stewart, then 
Commendator] in favour of Sir John Bellenden, Justice-clerk, and 
declaring that "hering that ye defer to accorde thairto without ony 
reasonnable cause, it is ousre will that ye pas the said lettir, all 
excuissis or delayis sett apart and as ye will do ws acceptable pleisour
103. Letter from "Dene" Stephen Litstar, the last Prior of Holyrood. Address wanting. [1570-1580.]

"Venerabyll Schir, Effyr maist hartly commendatione. j rasanyt your lordschipis vratyn g fra Vylzam Berteitimo one this day aucth dayis. In the first, quhar your lordschip tuittis that it [appenis] to your lordschip that j dryff tyme to speyk with the rest of the bredyr, j vreit to your lordschip abefoir, it swld noch stand vpone the rest of [the] bredyr bot onleye vpone your lordschipis awin speking, sayand your lordschip thoth it rationablyt that we had ower portions ve depend one that samen sayins, and desyris effetswysye that jt may hayff anye ane; for your lordschip knawis veyll anewch that ower assingnatione v as j maid in October; sycundlye, your lordschip vrittis that ye ar informyt that we gat gwid deyd fra ower last maistyr for ower consent to the samen talk to my lady and hyr bernys, ve neuer consentyt to my lord, lady and bernys nouchwritestandyng that ve var oft and dyuers tymis raquirit thairto, na nevyr twyk gwid deid fra na mane one to this tyme. One varitie and trewth ower last maistyr offerit to ws ane hundryth pwdn for to suberyff the sammyn lettryr; alswa Gylbert Balfowr bad me and James thre scoir of pwndis, Blakhall twenty pwdn; Dene Daue twik twenty and subscriut his lettyr. We trest ay that thair vald hayff bene ane chainge, thairfowr we vald noch consent to ane novdyr. And vair your lordschipis vrattyts that it is ane sobyr mater that ve stand vpone, jt is ane of the grettest tynd in all ower place, and Inverleyth and Vordy [Wardie] is hwt to the rentyll and it be set as ye desyr, lykwyes the Abbottis grange his hwt to the rentyll to set it as it is desyrtyt; nouchwritestanding at my loris raturnyng quhilk j treit in God sall be sowne, is lordschip gylland vs portions and ane rationablyll drin[k]-syluer, ower portions beand gyllin to vs vnlyr my loris hand and commone seyll and placis assingnyt to vs for payment of our quheit, beir and syluer, to indwir for ower lyftymes, this beand downe all thynig sall be downe at my loris pleswr and yowris. Last of all, your lordschip vrettis to me to be var that nane of vs subscriue na letteris. Yowr lordschip sall vyt that ane servand of the Laird of Mercumstonis come to me with ane lettryr to be seyt for mony; j said j vas dischairgit and inhebyt. Adam Bell come with ane vdyr letter of the tynt of Barrow to Vylle Prynghill and bad drin syluer largelye, ve said na; ane mane callit Brws come with ane lettyr of pensione of thretty pwndis, ve said na. Nocht ellis bot leyfand Lord keipe you, your lordschipis oratwr, deifie stevin litstar þor off halyrwduhs."

104. Paper relating, apparently, to Patrick Bellenden of Stenhouse. "Jesus. It is to be rememderit that Patrik hes bene ane servand of God and of the nobilitie of this realeme in the setting fordwart of Goddis glorye to the expelling of the strangeris, and hes thairupon spendit his blude as well as tyme, panes and gudis; and in lyik maner it fortunit hym to be present quhen vmquhill David Richeo was slane at command of the vmquhill kinge of gule memorye, fater to our souerane lord, and albeit his esheit wes disponit and he thaireffir expellit the realeme of Scotland and als owtt of Orkneye quhair his lyving lyis be the extreme persute of Gilbert Balfour and vtheris haveand commission of the quene for the tyme and sua endurit greitt dammage, quhairof to this houre he never gatt ony maner of compensation."
“Item, it is to be remembrit that in the moneth of the yeir of God 1560, Lord Robert come to Orknaye and thair wes ane appoyntment in wryte maid betuix hym and Patrik.” The memorandum further states that it is desirable that any one having commission against Patrick should show it, “for it salbe in vane to Patrik to mak answer to thame that hes na commission,” for even if acquitted he would not be better. It is also declared that “equite and justice requyris that gif my Lord Robert will gif his complaint aganes Patrik, that Patrikkis complaint aganis hym sould be hard,” and it is proposed that a day be fixed for both parties to appear before the Regent and Privy Council. Lord Robert is also to be required to give his oath regarding certain papers which exempted Patrick. [No date, but perhaps between 1572 and 1574.]

105. Letter from King James the Sixth to Sir Lewis Bellenden of Auchnoul, then Ambassador at the English court.

The King encloses letters from the Laird of Johnstone, warden of the West Marches, and also from Lord Scrope, the English warden, informing the Ambassador of his opinion that “seing the Lord Scrope intendis (as may appeare) to redres only a certaine small quantitie and that only value for value, a forme disagreing from the last treaty of the commissioners and to the great prejudice and discouragement of the trew subiectes of bayth the realmes, we will that ye insist diligentie that direction and commandment may be send with speid to the Lord Scrope, from the quene our dearest suster or hir counsell, willing him to proceid in metingis and deliuyre for all attemptates of guidis according to the treateis and our former instruction gevins you, omitting this conditionale order of value for value sa fer aganis the meaning of the treateis.

“And seing the evill effectes of Carmichaelles remaining at Carlisle and vther partes of the west bordour pretending (as we doubt not vntrowly) to be ressuin in our said dearest susters protection, ye may lett hir vnderstand how grevous and displeasaunt it is vnto ws to vnderstand him to haue any ressett or consort thaire, he being a man sa weill acquainted amangis the theves of bayth the realmes, a speciall instrument of thir lait conspiracies aganis ws and our estait, and ane quhome we wishe to be removed from our bordouris or deliuerit to ws, ye sall thairfoir earnestlie travell with our said dearest suster and hir counsell that he may othir be deluyverit to ws or at leist reterit from the bordouris, quhair his present remaining gevis sic occasioun of vnaquietenes.

“As to the company of our rebelles that we heir ar laitly cum bak to Berwik, the principalis being past vp in the cuntre, we lippen that our said dearest suster will tak sic gude order concerning thame as our amytie and the treateis eravis and as she may be weill assured to find at our handes, the like caice occurring, quhair we micht gif hir pruif of our guidwill. Thus faire ye weill. At Halyruidhous, the twenty of Februaie 1584.” “James R.”

106. Letter of Pension by King Henry the Fourth of France, who “déstant pour plusieurs grandes considerations gratifiant et favorablement traicter les Viconte de Sagar” has granted the sum of 4000 livres tournois of pension yearly, the first payment to begin on 1st January next. Dated at Paris, 27 December 1602. “Henry.”

[Besides the above documents, there are among the Belkenden papers, which are numerous, many receipts for annuities by members of the
convent of St. Catherine of Sienna at the Sciennes near Edinburgh, who were scattered after the Reformation but continued to draw pensions from the Convent lands. Dame Christian Bellenden, the prioress, survived until the beginning of the year 1571, the last receipt signed by her being dated 10th March in that year. A later receipt was written out on her behalf but remains unsigned. One inmate, Jane Haliburton, who describes herself as "one of the sisteris of the Schenis byseyd Edinburgh" married a Patrick Ogilii. Another sister, Jane Douglas was still living on 1st April 1582.

There are also receipts and other entries by or on behalf of various persons who drew pensions from the revenues of Holyroodhouse. A few papers relating to members of the Bellenden family are included, but none of the above are of sufficient historical value to be copied or noted at length.

**BOOK OF FAMILY EXPENSE.**

107. This is a long narrow volume, bound in parchment containing entries of payments, expenses and disbursements of various kinds from 30th June 1619 to 9th March 1630. The accounts are at intervals authenticated by the signature of Jane Drummond, second Countess of Robert first Earl of Roxburghe.

The following are a few of the entries, which will give some idea of the contents of the book. The first entry is made at "Estroxburgh" on 30th June 1619, shewing balance in hand from previous account £198 4 10. The next is "Item: the Chanonegate, the 5 of Julii being Monday at my lady Dudope her home going, recued from my lady to give amongst the servandis in the Lady Broughtones, one Fleames peice of gold extending to £12 0 0." On same day "received rom my lady herself in gold 7 peices half extending top=£100 0 0." . . . At Estroxburgh the 22 of Julii frome my lady herself 340 whereof 100 i was for my lord his owne vse and 240 i was send be Wm. Dick to Loudoun with a letter of exchange, 340 0 0." Various entries relate apparently to a journey, beginning at Edinburgh, where among other items of wages, presents to servants, &c., is a payment "for blak clote worset fringe foot brod and buckkmere to the Lady Dudope her womans pilget and for making it, conforme to the bill £j 19 0." A dozen "silk poyntis for my lady" cost £1 4 0 and £2 is paid to her in small money. At setting out from Edinburgh 6/ is paid "at the Watergate, to the poore and the same sum at Leithwynd foot." At "the Quenisferrie," three boats, one for the party and two for the horses were hired for £6 5 0. At Dunfermline, "Supper and brekfast, wyne, collationes, cole and candle and chalmeris 10 i 0 0." Wages of boys, horses, &c., £6 5 0 and fees to servants of house £2 0 0. At St. Johnstown or Perth, they paid "for supper and brekfast, wyne, chamler, cole and candle £18 14 4." "Item given amongst the servandis ther, being well vsed £3 0 0." A brief stay was made at Piteur and Dudhope, the houses of two married daughters of the first Earl of Roxburghe. Among other payments made at Dudhope were a piece of gold to the servants=£13 6 8." "Item to the norische at Dudope in gold ane crown, inde £3 6 8." "Item . . . to one clerigian man played all the tyme £1 0 0." "Item in drinksilver to the pistolet maker for one pare pistoles send he the Constable [Sir John Scrimgeour of Dudhope, Constable of Dundee] to my lord £3 0 0." The return journey was by Dundee ferry, Kinghorn and Burntisland. At the last place was paid "in drinksilver to the botmen and to the poore £0 10 0." "Item for brekfast . . . and for
wyne and chirreis and all other things and for sack and French wyne carret to the bote £12 18 0." The whole expenses of the journey which lasted from the 2nd to the 14th July 1619 amounted to about £309 Scots. On 19 July, was paid to "George Hangtside in Kelso for 6 pare dog cuppells at 6s the pare, inde £3 12 0." On 21st, "Item vpon Wednesday going to Edinburgh, at Sowtrahill, to one boy vpone stiltis, who said he was on his journey to London £0 6 0." The prices of commodities may be learned from the following, bought "from Thomas Marten and send to Estroxburgh. Of pepper 1 pound £1 6 8. Of ginger 1 pound, price 0 12 0. Of cloves iiiij ovnce, price 1 6 8. Of large maces iiiij ovnce price 1 6 8. Of nute-mugs iiiij ovnce 1 4 0. Of safrone ij ovnce 4 0 0. Of cannell iiiij ovnce 1 6 8. Of sugare ij stone price of the ovnce xviiij ind £27 3 0. Of dredgie vij ovnce 1 3 4. Of plowdameis iiiij pond £0 8 0. Of rasings of the sone, iiiij pond, price £1 10 0. Of roughe almondis iiiij pond £2 16 0. Of oranges x, price 0 13 4. Of musard ij pond £0 12 0. Of cannell [cinnamon] confitis iiiij pond at xxs the pond, inde £4 0 0. Of sugar almondis iiiij pond at xviiiij the pond, inde £3 12 0. Of daittis ij pond £2 0 0. Of olives 1 chopene £0 16 0. Of capers 1 pound £0 13 4. . . . Of vinegar ane barrell conteneing iiiij ga. 1 pynt at 5s the pynt, inde £8 5 0."

Among other items on 26 August 1619 is "Item for drops to the cotchman as followis, of turnemarick iiiij ovnces 20s, of bey berreis iiiij ovnces ix s, of granes iiij ovnces 4s, of fenerik iiiij ovnces 7 6d, of bolammonick, half pond 8s, of tryakle ij barrellis xiiij, inde 3 0 6." On 31 August is the following "Item the last of August at my lady hir going to Broxmouth. To the boyes as particularie followis, viz. To William Bennet, Henrye Durye, Robert Ker of Grenaheid, Robert of Mersingtoun, Andro Pringle, Robert Davidson and Andro Ker, ther men being 7 in number 3 nychtis at the Englishis lordis being at Estroxburgh and 2 nychtis at my Lord Dook his being ther, at the rate of 40d the peice ather of them nightly, inde £5 0 0." [It is not clear who these English lords were. They seem also to have visited Edinburgh. The Duke may have been the Duke of Lennox.]

Articles of dress are also mentioned. Thus [no date given] "Bocht at seuerall tymes for my lord his vse . . . in Edinburgh. Of freis iiiij elne half for ane jerkin at 5 merk the elne, inde ixii vii 8d. Item are blak hat dressing and new pok xxiiij. Item the riding sword dressing and seabard xii . . . Item for ane whinger for my lord l." On the immediately preceding page occurs "More send to my lady of 8s ribing russet culour for to be poyntis vj elne, xlviiij. Of reid Spanishis taffatse one quarter at 7 lib elne xxvii. Of reid flat buttones for ane waistcoat 4 dosen at 4s dosen xvij. Of vj minome culourit ribing xij elne, inde iiijb xiiij. Of minome culourit silk one vnce price xxiiij. Of Cambridge vij elne, price therof xxiiijb. Of tawny cullored taffatte of the cord iiiij elne at iiij merk elne viijb."

"In August 1622. "Item payed to ane shoemaker called Cleland for ane pair of strong white ledder buittis waxed viii. Item more to him for ane pair Spanishis ledder shoes xxvii. Item to his man that put on the buttis and shoes xij. Item for 6 housing girdis for my lordis hors at viij, the peice . . . iiijb xiiij. Item more for four reid culouris to them at xij the price xiiij. Item more for lyning the clokbag with harden and mending it and putting bukkellis too it, as also for mending the clokbag saile, setting to new taggis and glewing it xxvii."

Item [paid to Adam Turnour] "for vij elne quarter and half of grene
MSS. OF DUKES OF ROXBURGH

stuffe to be jerkin and drawers for my lord at \(xxx^3\) the elne, inde
\(x^i\) elne \(iij^s\). Item for \(iij^s\) drope weight of silk for the same sute at \(xxxiiij^s\)
the ovnce \(v^s\) \(v^s\). Item one dosen buttons \(iij^s\) \(vij^s\). Item \(iij\) elne half
of grene \(v^s\) ribing to tye the jerkin withall \(xx^s\). Item for clasps to the
sute \(iij^s\). Item for making of the sute \(xxx^s\). Item for \(iij\) elne of York-
shire clothe to be David Ker ane cloke at \(vij^s\) the elne \(xvij^s\). Item for
\(iij\) elne and ane half of baise to lyne the cloke at \(xxxv^s\) the elne \(vij^s\).
Item for two drope weight of silk to slash the baise to the cloke
\(iij^s\) \(iij^s\). Item for rantering of the cloke \(xv^i\). Item for half ane elne
of bukrome at \(xij^s\) the elne to the cloke neck and the burres of my lordis
jerkin \(v^s\)."

In June 1623 "Bought for my lady hir vse at seuerall tymes as
followis, Item 17 elne and ane half of norage seriss (? at 2\(i\) the elne
2\(i\) 0 0. Item 28 elne and ane half blak and white ribbane at 6\(e\) the
elne 8\(i\) \(iij^s\) 0. Item 12 elne russet cullourit ribbane at 4\(s\) 6\(i\) elne
2\(i\) 14\(s\) 0. Item 12 elne purpour cullourit ribbane at 4\(s\) 10\(i\), 2\(i\) 18 0.
Item one dosen russet cullourit silk poynts 1\(i\) 10 0. Item 6 dosen of
rings for curtings at 3\(e\) dosen 0\(l\) 18 0. Item 48 elne of strong girding
for bed bottomes at \(xvij^d\) the elne 3\(i\) 4 0. Item ane ryme of fyne
paper, price 3\(i\) 0 0. Item more, 16 elne of norage seriss for Lord
Harie and Lady Sophia at 29\(e\) the elne, 19\(i\) 4\(s\) 0. Item 5 dosen
buttons at 2\(s\) 8\(i\) the dosen, 0\(l\) 13 4. Item half ane ovnce of purpour
silk \(0^i\) 17 0. Item more for Lord Harie 8 elne French grene waterit
camlet at 3\(a\) the elne, inde 13\(i\) 12 0. Item 20 elne of grene silk
and silver lace at 4\(s\) 6\(i\) the elne 4\(i\) 10 0. Item 8 dosen of grene silk
and silver buttons at 8\(e\) the dosen 3\(i\) 4 0. Item half ane ovnce of
sad grene silk \(0^i\) 17 0.

Much of the later part of the book is occupied by entries of money
received. Throughout there are also frequent references to legal pro-
cedings, fees to counsel, solicitors, &c. Card playing is also several
times mentioned. The whole book which contains 276 folios, or about
550 closely written pages, is worth the attention of antiquarians.

108. Another paper, though of comparatively recent date, is of
historical interest as a personal reminiscence of 1745 and the Seven
Years War, at a later date. It is in the handwriting of Sir James
Innes Norcliffe, who succeeded as 5th Duke of Roxburghie in 1812 as
the result of a decision in his favour by the House of Lords. He was
born in 1736, and was therefore about nine years old at the date of
the battle of Culloden. The document is partly biographical, but as it
contains historical items, and does not appear to be printed elsewhere,
it is here largely quoted. The Duke begins by referring to a Historical
Account of the Family of Innes (published in 1820) and proceeds:
— "My father, Sir Harrie Innes in the autumn 1745 went to Culloden
House and joined the friends of the House of Brunswick in the North
Highlands. The Earl of Sutherland and he were unluckily in the
house of Dunrobin cut off by the rebels and being unable to rejoin the
army they embarked in an open boat in the month of March 1746 and
crossed the Murray Firth in safety and joined the Duke of Cumber-
land's army att Aberdeen. Lady Innes and her three daughters, my
brother Robert and I, Sir Harrie left att Elgin in an old house of the
Duke of Gordons near the Cathedral and the winter passed undisturbed.
But as the Duke of Cumberland advanced, the estate of Innes was laid
under military execution, all the horses and cattle and what belong[ed]
to Sir Harry were carried off, the granaries emptied and the tennants
obliged under the direction of Mr. George Gilzean, tenant of Innes mill, to
carry all they ordered to the rebel magazine att Minos near Inverness. They did not leave enough for the cotters or for the maintenance of the family in Elgin. As the Duke's army advanced our situation was more unpleasant and unsafe, and a worthless fellow fired a bullet att my head which recoiled from the stone lintell of the door and fell into a tub of water placed to catch the rain.

"Lady Innes became uneasy; she sent my tutor the Rev. Mr. Simpson with a letter to Sir Harrie att Dunrobin where she believed him to be. Mr. Simpson took a boat at Braehead to cross the Firth with the letter. The rebels suspected that he had been sent with some account of their strength and situation. Lady Innes was informed of his danger and on the morning of his return he fortunately walked speedily in the direction of Rothes and crossed the Spey that night and was safely within the Duke's lines. In the evening the house was surrounded and every corner searched, happily without effect.

"The Rebel Chiefs held their councils att the Red Kirk with intention of oposing the passage of the Spey, which they relinquished and retired to Elgin. We remained under their protection and FitzJames' Horse prevented the house from being plundered and ourselves maltreated. The Duke of Cumberland crossed the Spey the Saturday. That night we were guarded by Col. Bagot of their Hussars and Colquhoun Grant, who remained untill the advance of Kingston's Light Horse obliged them to join their rear in the town of Elgin leaving the gates barred. As soon in the morning as it was thought safe the gates were opened; some dragoons passed the gate in pursuit; they called [to enquire] the road to Quarrelwood. I run and showed them passed Dunkinty's and on the opposite side up the Lossie heard and saw the skirmishing in Quarrelwood. [Another version has 'I ran past the corner of Dunkinty's house to show them and on the opposite side up the Lossie they heard' &c.] I returned and run to the bank of the Lossie and looking towards the Stone Crop hill, I saw my father crossing the field the short way to his house about 8 o'clock the Sunday morning. He brought a small sword for me, and by 11 o'clock I was mounted on my old dun poney which the rebels had left, and was presented to the Duke of Cumberland as he led the column to the south of Elgin; the others passed thro' the town and the army encamped that night att Alves. The Duke quartered in [the Rev.] Mr. Gordon's mansc. Next day, Monday, my mother and I accompanied the Duke's army to the bank of the river Findhorn; there we were sent back, I with the promise of a Commission."

Here the Duke refers to his education. From the school of Fordyce he passed to Enfield and the Rev. Andrew Kinross's academy there, where the "young Earl of Sutherland" was one of his school mates; thence he went to Leyden. He then continues, "I was appointed to a company in Sir Robert Murray Keith's but regimented with Lieut.-Colonel Commandant Campbell's 88th Highland Volunteers; was mustered att Leith, May 1760, embarked and landed att Carlstat where we were armed and marched to join Prince Ferdinand's army as a part of his strength. We joined att Saxenhausen; [another version has 'July 1760 att Zegenheim,' encamped there, and thence encamped on the heights of Homberg a day and night, withdrawn to Zaxenhausen as their shott reached our tents. Marched after the affair of Corbr with Cassel, which the French took and our hospital. Marched under the Hereditary Prince [of Brunswick] to Warburg town over the Demil [Diesel], where [the 1st and 2nd] battalions of our Grenadiers and two six pounders under Cox drove them [the French]"
from the hill. We were between our Grenadiers and the Brunswick Grenadiers, they happily did the business for us [which] in our undisciplined state we were then unfit for. We saw our cavalry drive the French pellmell thro' the Demyll, Duke Ferdinand and all the army at their heels where Marshal Broglio did not chuse to come to a general action. [According to another version, the two battalions of Grenadiers above referred to were Brigadier Beckwith's brigade, and were always in the advance of Duke Ferdinand's army; the action above related took place on 2nd August 1760.]

"From that day we had confidence in our sober brave Highlanders of all sizes from 6 feet to 5 feet 1 inch and they deservedly maintained their fame to the end of the war in Germany 1762-3. From Warburg we marched a long forced march to the relief of Beaton, who had burnt the French bakery at Marburgh. We marched to the siege of Wesel, cross[ed] the Rhine; we were left to guard the bridge of boats but [were] called off at midnight, the Prince being unequally engaged at Campen, for the French had their number tripled in the evening [which] prevented the surprise the Prince attempted. [In hastening up in the morning] I lost two or three of the flower of my company in a detachment with Major Maclean, and by an unlucky shot, our excellent young surgeon, Mr. Jamison, while whispering in my ear. The ball must have passed thro' the heart. The regiment having marched into the wood, I called back a sergeant, James Macwilly of my company, lifted my friend; Macwilly took his watch and pocket case of instruments which I delivered to his father at Leith. [Another version which in this place is more full, states that Jamison instantly expired on receiving the shot, and adds 'We were separated from the regiment of Normandy by a small river like the New River. We saw them amongst a thick plantation of willows; their object was, I suppose, to outflank and cut us off, as I did not perceive that they fired more than a few random shot which proved so fatal to my worthy friend.']

"We fell in with our retreating army all in good order, took a position for the night as arranged by our skilfull and indefatigable leader, the Hereditary Prince, who under the three days and nights anxiety and fatigue had hardly a comfortable repast. Next day [he] conducted his retreat by the bridge of boats above Wesel without the loss of a gun. Sir George Howard commanded the rear. I returned after our regiment had passed this bridge, and repassed the Rhine with the first battalion of our Grenadiers commanded by Lord George Lenox, and with a platoon of Lieutenaut Moores, Lord Drogheda's brother, to two piece of cannon placed on the bank to cover the bridge of boats, so that I saw all without, as it happened, any hazard and got a rebake for my pains. There was a single handed tilt between Colonel Janard of the Prussian Yellow Husars, and a French officer, who[?] Janard cut up. Our glorious retreat closed when every cannon was over, by the setting fire to some wagons filled with straw, which smoaked the French, and the boats and sloops which composed the bridge being disengaged from each other sail'd up the Rhine. We marched to Rikham (?), encamped until 30th December, when [we] were marched into Munster as winter quarters, and so ended the campaign.

"In the month of February 1761, while at a grand ball at General Hardenburg's, the order came for a part of the Garrison to march on the Hesse expedition to attack Duke of Broglio's position att Gissen and Bugen. The 88th Campbell Highlanders remained in Munster and the 11th, until we march[ed] to Efflen in the Duchy of Westfalia until the opening of the campaign 1761. [Another version runs "From Munster
in the April 1761 we were cantonned att Edlen in the Duchy of Westphalia under Lieut.-General Wagenham's command, soon after which the intricate mazes of the campaign began under Lord Granby's command, until we brought on the battle of Felinghausen, Lord Granby's forming our left, to the river Ham, the center att Count Lexips battyry and our extended right under the Hereditary Prince. The attack began in the afternoon on our position, driving in our advance and the Britannic Legion.

Nothing can be more interesting than the variety and skill of the movements which brought on the battle of Filinghausen or Dinkeron in July 1761, when the three Marshals with 100,000 men were beaten by little more than 50 thousand. The history of those two brilliant years are not surely forgotten by military men.

"The 88th suffer'd severely the evening of the first day. The forenoon of the next, the Hanoverians of Marshal Spiken and Baron Lieut.-General Hardenberg, who came up in the night nobly revenged our loss. The 88th and Keiths the 87th were laid along a hollow way so as to form a line cross to the height or rising ground where we had been posted the evening and night before. We had the two long sixes belonging to the Hanoverians, our gun served by a sergeant, Keiths by a lieutenant. Our sergeant seemed to make it an amusement 'now a round' 'now a grap.' Placing a bough before the mouth to mask his gun, he did great execution on the line of the French engaged man to man with the Hanoverians; after the action I found the round shott had taken two and three in a line, the grape sticking like Indian corn in some of them. The French meantime endeavouuring to flank our gun, got within 20 feet and killed the horse that was unharness'd the first shott bringing him on his end, and the next dead in the flank. At the same time the flashes of a hot fire was sustained by the young Prince of Brunswick on the chateau or house of Dinkeron or Filinghausen. In an hour the French suddenly gave way enraged that Broglio deserted them, and surrendered att an angle to Colonel Maxwell, 2nd Grenadiers and Major Wederburn. I ran across the hollow way to the bank where my lieutenant, Simon Grant, and others of my company fell the evening before, where stood Marishal Spiken to whom Lieut.-Gen. Baron Hardenberg presented me, and knowing [the Highlanders by their Harlequin hose, said 'Ach! Pover Berg Scotton,' thus paying after the heat of battle a pleasing compliment of regret]. There is a pleasure in the recollection of the 'Ach! Pover Berg Scotton' that I could hardly ever recount without a sensation of pleasure and pain and the tear in my eye. I hope that some person better qualified than I [will] give to posterity a full account of the conduct and bravry of Duke Ferdinand and the Hereditary Prince of Brunswick and his two younger brothers, one of whom was killed in the hot fire and sunshine att the concluding part of the battle of Filinghausen." ["The victory of Felinghausen did not procure us long repose. Duke Ferdinand was obliged to make up for the want of reinforcements by rapid movements to cover part of Hesse and of Hanover and a fruitless attempt to relieve Wolfenbutle; after the campaign 1761 we were cantonned at Salkheholder(?) then marched [at]cross by Osnaburgh &c. &c. to Lingen in Friesland, where I had leave to return to London intending to seek an exchange into the Guards. From the fatigue of those two brilliant years service, tho' I had never been so ill as to leave the regiment or miss one days duty, the day after I got to Innes House I was seized with a violent illness of the intermittent kind which render'd me unable to return to the company."]

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Here the Duke's historical narrative in both versions practically ends, the remainder in each case relating to personal and private matters, which need not be detailed.

**Letters of the Roxburghe Family.**

Most of such letters as come under the description of historical have already been noted in the above report, and while there are a large number of letters and indeed a very considerable amount of correspondence between different members of the family all which has been carefully sifted, such correspondence is for the most part purely domestic and only of private interest. The following however are given as referring to historical events or persons.

109. Letter from Thomas Hamilton, Earl of Melrose, afterwards first Earl of Haddington, to Robert first Earl of Roxburghe, dealing with the proceedings of the Commission of Teinds then sitting in Scotland. Lord Melrose sends papers narrating the progress of the Commission. He states that the bishops are suspected of opposition to the purpose of the Commission, and comments specially on the doings and sayings of Patrick Lindsay, Bishop of Ross, who as the mouth-piece of the opposition had protested against a clause of the royal summons directed by the Commission warning heritors to appear and deal for their own teinds. Lord Melrose comments severely on the bishop's "ignorance and impertinences" and his impudent persistence. The other bishops had been silent but they are suspected of aiming to destroy the erections made by the late King James and to secure to themselves all the teinds. On this and the effect of the protest Lord Melrose writes at considerable length desiring the affair should be made known at Court, where the Earl of Roxburghe then was. Edinburgh, 6 March c. 1627. [This and the two following letters from the Earl of Melrose are printed in full in "Memorials of the Earls of Haddington 1889," Vol. II., pp. 148-153.]

110. Letter from the Earl of Melrose to the Earl of Roxburghe, begging the latter to inform his Majesty (King Charles the First) that if he continues to desire his rent to be "competentie increased and his affaires and necessarie charges supplied" and the oppression of the teind masters mitigated, it will not be difficult for his faithful servants to perform these duties. But if teinds are to be given up without full compensation or the clergy are to have their own way, then the Commission must be dissolved without result. Edinburgh, 29 March c. 1627.

111. Letter the Earl of Melrose to the Earl of Roxburghe, earnestly desiring the latter to lay the truth of matters before the king and prevent the misrepresentations made by the Bishop of Caithness and other agents for the Church. Edinburgh, 7 April c. 1627.

The greater mass of the correspondence new reported on is dated between the years 1694 and 1750, and is chiefly addressed to Mary Hay Countess of Roxburghe, widow of the third Earl and mother of the first Duke of Roxburghe.

112. From the letters of her third son, the Hon. William Ker, who served under Marlborough, the following are selected.

"Madam, I received your Ladyship's of the 31st of May, yesterday, wherein you tell me that some people are of the mind that I should not
go to the field except my regiment go. I can assure your ladyship its what I think my self and I believe if I should ask to go I should not get leave from the Duke of Marleburghe, however desirouse I am to be there, for the camp is much more agreeable than a garison; for a garison in this country is a sort of a prison, for wee cant go without the gates for party. But the ramparts in this town are very fine, so that I ride some times round them and to do that it takes 2 or 3 hours which is long anuff on horseback for ane airing; and for our other diversions I can't brag of them much but with my foot boys I have contrivd to have a dancing once or twice, for wee governours of garisons can bring about those things very easily. I have no more to trouble your ladyship with but that I wrote last post to your ladyship and shall be as punctuall in that as possible I can. I am, Madam, your ladyship's most obedient son, Will Ker.” Ghent, July 4th, 1711.

113. The same to the same. Ghent, July 18th, 1711.

“Madam, I have receiv'd your ladyship's of the 2nd, 7th, 15th and 21st of June, but the plague on't is they come all together so that sometimes I shall have none for a greate while but that is owing to cross winds and there is no help for that. Your ladyship tells me that Sir Will. Baird is to be married which makes me laugh. . . . Your ladyship seems to think that if we go to the field this year which wee are to do in 5 days that it will be hard upon us, but I do assure your ladyship to the contrary, and that it would be scandalous for us not to take the field this year and a little heavy upon us too, for at present wee pay for our forrage, and wee shall not be able to recruit well at that rate next year. Your ladyship wants to know how you should direct to me now since my brother is in the country (which I am very glad of for his sake and Lord Beaumonts for to have stayed in town after having had the small-pox was anuff to have killed him), and really I don't know how to advise your ladyship except you direct straight out for me at the Grand Army, but you must tell Mr. Home to put Colonel to my name else it may chance to go to some parson if there are any of my name in the army. I have no news to tell your ladyship but that some small affair happened in the army tother day and some squadrons of ours suffered, and that poor Prince of Orange passed here three nights ago from the army to go to the Hague about that affair of his with the King of Prussia, and so soon as he arrived in this place which was about 9 at night I went to see him to receive his commands and to know if he wanted ane escorte next morning, for which he thanked me very kindly and told me he had a French pass and only desired that the Antwerp port should be opened for him at 4 in the morning; which accordingly was done to my regrate now for I wish he had been here yet for he was drowned next day at Moordick, and the circumstances on't are so long and malincheolly that I'll refer your ladyship to the newspapers that will be full on't, and shall only add that he was the prettiest young prince in the world.”

114. One or two letters to the Countess from Sir William Bennet of Grubet also contain interesting references to political incidents. Thus, on 2 March 1721, he writes from Edinburgh “Madam . . . The Jacks (Jacobites) are horn mad one some accounts they have gotten from the other side of the water; they promise themselves wonders from Mr. Law and fancy that the Spanish army is recall'd from Africa in order to serve the pretender. They have long subsisted one a thin dyet.” “The mortality encreases at London; the Duke of Buckingham
is dead, as is Mr. Craig who was my Lord Duke's tutor; the small-pox rages like a plague.”

115. On 13 June 1721, Sir William writes “Madam . . . We have had nothing extraordinary but what you would see in last prints wher the report of the secret committie is laid open, and two peers, Rothes and Haddington of our country, with five commoners are pointed amongst many others as having had South Sea stock without any valuable consideration; but this cannot affect them as being but a sort of hearsay, and that ther names were seen in a book of Mr. Knights, so that people think this grand committie will like the mountain bring forth a mouse. Saturday last being the 10 of June, Harison's regiment which lies in the Canongate had orders from their commandant to pluck of all the white roses they should see worn ether by men or women which they very rudely executed, and getting drunk abused al that came in their way, and at tenth sent up a sergeant with a party to extinguish some straw that lytele boys had kинled in Leeth Wind. These soljers fry'd in at the Nether Bow 3 musquets wher ther was noe mob ore disorder and kil'd a barber dead, shot a woman thorow the leg who being with child is since dead, and wounded another. This made such a stir as was like to produce much mischeefe and I am afraid is not yet over. Monday morning the party was delivered up to the magistrates who hes pretty clear proove against one of the soljers who is to be try'd by the Lords of Justiciary.

I send your ladyship Allan Ramsay's essay one the cutting of my Lord Bowmonts hair” &c.

116. On 18th April 1725 he writes in regard to a disputed church settlement. “Madam . . . Never was ther such a spirite of rebellion against all order and government as rages universally in this country, and I really believe your Ladyships first thought of the military must be the measure at last. They threaten from all quarters to visite the Synod one Tuesday in such numbers and so prepar'd as if they have not what they demand they will oblige them to remove ther quarters, and are so insolent to menace the ensuing circuit should they offer to proceed against the Morbatle rioters. The magistrates of Jedburgh are so allarm'd hecrat that doubting to keep the peace they intend to petition for troops.” A petition “cunningly enough drawn but villainously desyng'd” is being signed throughout the parishes. It is proposed to prosecute only 30 of the “most seemingly guilty” rioters, the whole number being 68.

117. On 10th August 1725, Sir William Bennet writes . . . “The squadrone have ten friends now for one that they ever had befor and the Justice Clerk is spoke well of by these who would have crucifyed him some time agoe. I beleve the new set are not very easy and apprehend no certain stability in ther present advancements, as your ladyship tearms it very well. I am persuwaded this cloud will blow over who lives to see it. Mr. Dundass plays the divell with his successor, cuts him down one all occasions and is at present the idol of the populace; the petition he drew for the maltsters and which was burn't is the strongest and most bold paper that I have seen. I have weekly from Edinburgh the most minute things that are passing ther, and if you have not heard it must tell your ladyship a story. I had yesterday that some would be wites had a large cock exposed in the streets with his feathers all pul'd of, and in capital letters one his naked back, D.R.” [For Duke of Roxburgh, who had recently been deposed
from the office of Scottish Secretary of State.] "The novelty gather'd a mob but when the meaning was known they wish'd alloud. 'God return him soon his plumes for it had never been well with the country since he wanted them.' At the same tyme one chant'd the ballad "To Glasgow and doun with the Cambels was the word, John with the gold sleeves wittes to all.'"

118. In another letter, he again refers to the subject of Morbattle.
"Madam, Your ladyship will be pleas'd to know that one the 10 instant ther was a very throug' town at Jedburgh, the judges my lords Pencaitland and Dun. Mr. Rutherford, the Advocat's brother-in-law, represented him and ther were five other lawyers ther. One Mr. Andrew McDugal was cal'd out to appear for the Morbatle rioters, and they had one Halliburton for ther agent. . . . The Morbatle gentry to the number of 70 were cal'd and all present, and from the first to the last denyed the libel. Ther lawier, for whom and ther solicitor they had made a stock pursive of ten pounds sterling, made a very insolent rebellious speech wherein he asserted the right of the people in opposition to the call of the patron, insisting that they had done nothing illegal and that the ministers were the first aggressors; besides, that the proclamation had not been read to them, after which, he said, they had one hour to disperse in provided law. I would fain have interrupted him but the judges overruled it. I saw the people appish upon this mutinous harrange and prevented the Advocate by taking notice to the Lords that I was amazed to hear that gentleman trumpet up rebellion and justi'ye tumult and disorder; that if he had propald that doctrine befors us as justices of the peace, we would have laid his heels fast as fomenting this growing spirite of mobs and tumult eversive of all order and government. The lords reprimanded him severely, and at our desyre the tryal was delayed till next day, in which tyme we took a precognition of what the witnesses could evidence against the principal actors, Walter Scot amongst the first, but to our amazement could not find two concurring witnesses to fix any fact besides a great deal of informality and mistakes by the ministers one the one hand and the sherif depute one the other; indeed the shortnes of tyme we had to doe bussines made some excuse. Under these difficultys we consulted the judges who rea'y seem'd hearty in the matter, and not being able to make more of it that tyme it was con-cluded that the whole process should be continuow'd till the next circuit. When the court met next day, the advocate-depute made the proposal which in the name of the justices of peace I did second, with some very familiar language to Mr. McDugal and a great deal of freedom with such as had promoted that villanous insult. The lords express'd their outmost abhorrence at the illegal rebellions behaviour of all those that were concerned in the late tumult at Morbatle, that as the crime deserv'd it they should [have] been glad to [have] had it in ther power to make examples even into death, and if ther was any further complaint from that quarter they must expect to meet with the outmost severity. Some of us enforced what had been said as strongly as we could, and I beleewe all will be henceforth quiet unless they are again blown up to madness by something from the General Assembly, which I hope will not happen, &c.

William Fraser.

Edinburgh, 32 Castle Street,
15th May 1891.
FIRST REPORT ON THE MARCHMONT MUNIMENTS OF THE FAMILY OF POLWARTH, LORDS POLWARTH, AND EARLS OF MARCHMONT, IN THE POSSESSION OF SIR HUGH HUME CAMPBELL, BARONET, OF MARCHMONT, AT MARCHMONT HOUSE, BERWICK-SHIRE.

Hugh, the third and last Earl of Marchmont, who was also Lord Polwarth of Polwarth, under an earlier creation, was a very accomplished statesman. During the six years in which he was a member of the House of Commons under the title of Lord Polwarth from 1734 to 1740, in the lifetime of his father, the second Earl of Marchmont, he greatly distinguished himself by his able opposition to Sir Robert Walpole. After his succession to his peerage of Marchmont, he was, in the year 1750, elected one of the representative peers of Scotland. He was re-elected at each subsequent general election till the year 1784. During these thirty-four years of representative service in the House of Lords, he was punctual in attendance and very active in reference to all the business which came before the House. In the year 1764, he was appointed Keeper of the Great Seal of Scotland, which office he held till his death, which took place at Hemel Hempstead in Hertfordshire, his usual English residence, on 10th January 1794, in the eighty-sixth year of his age.

The Earl of Marchmont was on intimate terms with many of the eminent men of his time, including Alexander Pope, the poet, who pronounced his famous and oft-quoted panegyric on his genius. The poet died in the year 1744 and appointed the Earl one of his executors under his will. Another distinguished friend of the Earl was Sarah, Duchess of Marlborough, who died in the same year as Pope. Her Grace also appointed Marchmont one of her executors, leaving him a substantial legacy of two thousand five hundred pounds. The Earl of Marchmont, Lord Bolingbroke, and Mr. Pope were all on such intimate terms that they were called the triumvirate of friends.

Lord Marchmont was a zealous collector of rare books and valuable manuscripts. In some biographical notices it is stated that his collection formed one of the most curious and valuable in Britain.

On the death of the third Earl of Marchmont in 1794, predeceased by his two sons without issue, several claimants appeared for his title of Earl, and also for his title of Lord Polwarth, as well as for his Marchmont estates, which included Home Castle, so prominent in the Merse as the ancient stronghold of the Earls of Home, chiefs of the Marchmont branch of that distinguished Border race. The title of Earl of Marchmont, being limited to heirs male, was claimed by Captain Alexander Home, a member of the family of Wedderburn, as the nearest heir male of the Homes of Polwarth and Marchmont. The claim was referred to the House of Lords on 10th February 1804. But it does not appear to have been actively prosecuted, as the first printed case was lodged for the claimant in 1820. Another printed case was presented in 1822. Captain Alexander Home, the claimant, died in
the month of February 1823. He was succeeded by his eldest son Francis Home or Francis Douglas Home, on whose behalf an additional case was printed in the year 1842.

On referring to the large volume of evidence printed on behalf of both the claimants and also for Sir Hugh Hume Campbell of Marchmont in opposition to the claims, we are reminded of several incidents connected with the original claim. Both the printed cases bear the signature of "H. Brougham" (afterwards Lord Chancellor) as one of the Counsel, who also appeared at the hearing of the case as Counsel for the original claimant and chiefly led the evidence. Sir Charles Wetherell was also another eminent Counsel for the claimant in 1822.*

On the claim of Captain Alexander Home and his son to the Marchmont peerage no decision has been pronounced after the lapse of nearly a century from the death of the Earl in 1794. Another claimant after the death of Earl Hugh was his grandson, the late Hugh Scott of Harden, who claimed the peerage of Lord Polwarth of Polwarth, and his claim was found by the House of Lords to have been made out in the year 1835. The Laird of Harden thus became the Lord of Polwarth. After his death in 1841, his eldest son, Henry Francis Hepburne Scott, succeeded as the second Lord Polwarth of the House of Harden. On his death in 1867, his son, Walter Hugh Hepburne Scott, the present Lord Polwarth, is now the third Scott Lord Polwarth.

The late Hugh Scott of Harden, the successful inheritor of the title of Lord Polwarth, also claimed the Marchmont estates as the heir general or heir of line of the third Earl of Marchmont through his daughter Lady Diana Hume, who was the mother of Hugh Scott of Harden, afterwards Lord Polwarth, as above mentioned. But the House of Lords decided that the settlement of the Marchmont estates made by the third Earl of Marchmont on 5th November 1790 vested them in Sir William Purves of Purves, Baronet, as descended from Lady Anne Hume, sister of the third Earl of Marchmont, in preference to Hugh Scott, Lord Polwarth, who was descended from Lady Diana Hume, the daughter of the Earl. Sir William Purves Hume Campbell of Marchmont, Baronet, was succeeded in the Marchmont estates by his only son the present Sir Hugh Hume Campbell of Marchmont, Baronet, who is the possessor of the Marchmont muniments now reported on by his special permission.

The inheritors of the Marchmont estates and the peerage of Lord Polwarth, as above explained, were not the only persons who benefited by the death of the third Earl of Marchmont. His Lordship had for many years of his long life been on very intimate terms with the Right Honourable Sir George Rose, who was very prominent in many public affairs. Lord Marchmont made Sir George Rose his only executor, and specially bequeathed to him his rare and valuable library of books above mentioned. Sir George Henry Rose, son of Sir George Rose, inherited the Marchmont library from his father on his death, and after the lapse of twelve years he personally edited and published a selection from the Marchmont papers in three volumes, octavo, London, 1831. In his carefully written preface he explains that the late Earl of

* At a meeting of the Committee for Privileges on 8th May 1843, almost half a century ago, the minutes bear that Mr. William Fraser was called in and sworn and produced evidence on behalf of Sir Hugh Hume Campbell [Minutes of Evidence, 1843, p. 386]. He had previously become acquainted with the Marchmont muniments on behalf of their owner, Sir Hugh Hume Campbell. The collection has thus been known to the Reporter for upwards of fifty years.
Marchmont at his death deposited with his father, the late Sir George Rose, his sole executor, as a sacred trust, all the manuscripts of his family, with an injunction to make use of them if he should ever find it necessary. In a note to that statement it is added: "It has been stated since my father's death, on unquestionable authority, that "many other manuscripts of great value and interest are yet preserved in the archives of Marchmont House in Scotland." This he had no "means of knowing. The late Earl, long before his death, removed "his library and a great mass of family papers to Hemel Hempstead in "Hertfordshire, where he spent the last years of his life, and where "my father found them when he inherited them on his Lordship's "decease." [Preface, p. xi., and appended note].

The three volumes of Marchmont Papers published by Sir George Henry Rose form a very interesting work on the family of the Earls of Marchmont, and specially on the three distinguished Earls of that name, each of whom became a very prominent figure in his day. Sir George Henry Rose explains that the entire mass of Marchmont papers inherited by him was very large, and that the selections published in his three volumes only form a small portion of the entire collection. The present Report amply shows that the third Earl of Marchmont had not removed all the Marchmont muniments from Marchmont to Hemel Hempstead, his English residence, as Sir George supposed. The present Report only deals with the Marchmont Papers still preserved at Marchmont, and not in any way with those which were bequeathed to Sir George Rose.

After the publication of the selections from the Marchmont papers in England, Sir George Henry Rose entered into negotiations with Hugh Scott Lord Polwarth. Under these negotiations, Lord Polwarth acquired by purchase the valuable library left by the third Earl of Marchmont to Sir George Rose, and it now forms of itself a large library in Lord Polwarth's residence at Mertoun House, Berwickshire. Although I have seen the books on several occasions there, I did not make such a minute inspection as to ascertain whether the library so acquired by Lord Polwarth included all the Marchmont papers bequeathed to Sir George Rose, and specially that portion of them which was published by his son in 1831. At a recent meeting with His Lordship on the subject he was unable to inform me of the nature and extent of the Marchmont papers which were received from Sir George H. Rose along with the library. But he promised to make inquiry on the subject.

In the course of my inspection and examination of the muniments at Marchmont, and which commenced in the year 1842, in reference to the Marchmont Peerage, I discovered a large collection of State and Official documents. These were prepared when Patrick the first Earl of Marchmont held the office of Lord Chancellor, between the years 1696 and 1702 inclusive. At that period it seems to have been the practice of certain officials of high rank to retain Royal Warrants and other Crown writs in their private houses. In these earlier days the official accommodation, even for officers in important positions, appears to have been very limited, and that led to much of the public business being transacted in the private apartments of public officials. The public and official documents discovered by me at Marchmont consisted of:—(1.) Original Warrants under the sign manual of King William the Third for Patents of Peerages, Baronetcies, and other instruments. (2.) Signatures under the sign manual and cachet and the hands of the Lords of Exchequer for Crown Charters, &c.
Precepts from the Privy Seal for Crown Charters passing the great seal. Under the first of these classes there are Warrants for Patents of the Dukedoms of Hamilton and Argyll, the Marquises of Lothian, the Earldoms of Tullibardin, Ruglen, March, Marchmont, Hyndford, the Viscounts of Seafield, Teviot, Dupplin, and Rosebery, and the Lords Boyle of Kelburne and Portmore; also Warrants for Commissions to High Commissioners to the Parliaments of Scotland and the General Assemblies of the Church of Scotland, and also for Commissions to Presidents of the Privy Council, Keepers of the Privy Seal and other offices, and Warrants for Patents to several Baronetcies. The Signatures and Precepts for Crown Charters relate to numerous lands and baronies, and to public offices.

All these official documents amounted to upwards of 700 in number. A detailed inventory of each of these writs was made in the year 1848. Sir Hugh Hume Campbell, as the owner and custodian of these muniments, with great public spirit handed over the entire collection to the Lord Clerk Register to be preserved in Her Majesty's General Register House as part of the National Records of Scotland.

In the preface to the first volume of the folio edition of the Acts of the Parliaments of Scotland, 1844, pp. 51 and 210 (red ink), the editors refer to "The Marchmont Manuscript." It is described by one of them who examined it as a "folio volume of paper in Scotch written in the year 1548, and, as appears from frequent markings, by a scribe named Robert Ewyn. It was formerly the property of Alexander Home, of Manderstown, and is now preserved in the library at Marchmont." The contents are then stated under 13 heads of laws of the "gude" King David in Regiam Majestatem. At the end of the heads or chapters there is an attestation that it was written by Robert Ewyn, 1548. In the same first volume of the Acts there are notices of several other copies of the Scotch laws similar to the one at Marchmont.

With these preliminary explanations which are considered necessary for understanding the rather complicated inheritance of the Marchmont estates, and also of the muniments now preserved at Marchmont House, it may be further explained that the present Report includes a selection of the most interesting and historical documents contained in the charter muniments at Marchmont House.

The Report is arranged under the following six heads:

Head 1. Ancient Charters and other Writs chiefly relating to the lands and families of Polwarth and Home, 1343—1568.

Head 2. Papers relating to the Nunnery of North Berwick, 1523—1547.


* In the seventeenth Report to the Lord Clerk Register by the Deputy Clerk Register, 13th December 1864, under the heading, "Discoveries of Ancient Records," it is stated, page 11, that the Marchmont Public Documents were, on 25th March 1848, transmitted to the Register House, through the kindness of Sir Hugh Hume Campbell, accompanied by an exact inventory. The same Report by the Deputy Keeper of the Records shows that the good example of Sir Hugh Hume Campbell was soon followed by her Grace, Anne Duchess of Sutherland and Countess of Cromartie, who, on 4th April 1864, transmitted to Her Majesty's General Register House a large collection of public documents found at Tarbat House, of precisely the same nature as those found at Marchmont, and relating to the period from 1703 to 1710. The late Duchess of Sutherland and her husband the late Duke were pleased to give me a commission to form the Cromartie muniments into a family history, which was completed in the year 1876 in two volumes, quarto.
Head 4. Papers relating to the Berwickshire families of Spens, Wolff, and Trotter, 1514—1700.

Head 5. Discharges and other Writs by Abbots and Commandators, and other ecclesiastics shortly before and after the Reformation, 1524—1643.

Head 6. Miscellaneous Records, Journals, Heraldic Manuscript, and other Writs relating to the Homes of Polwarth.

Of the lands of Polwarth, in the parish of that name, which became the principal estate of the Homes of Polwarth and Earls of Marchmont, we have the first notice in [No. 2 infra]. They belonged to a family of the name of Polwarth, which was either given or taken from the lands at a very early period, as the surname is found in charters to the Abbey of Coldingham. The last of the lairds of Polwarth of that name, Sir Patrick Polwarth of that ilk, resigned his lands into the hands of his feudal superior, George Earl of March, who, in 1377, bestowed them upon John Sinclair, of Herdmanstown. From the latter they descended along with the lands of Kimmerghame [cf. Nos. 5, 6, 8, 9] to two heiresses, Marion and Margaret Sinclair. The first married George Home, of Wedderburn, while the second married his younger brother, Patrick, afterwards Sir Patrick Home, who became the ancestor of the Homes of Polwarth. Sir Patrick died in December 1503, and was succeeded by his eldest son, Alexander, the son of Margaret Sinclair [No. 12]. Sir Patrick's second wife was Ellen Shaw, widow of Archibald Haliburton of Dirleton. In 1536 and 1541 she granted presentations as patroness of a prebend of Dunglass [No. 19]. Their son, George Home of Lundies, is referred to in a writ [No. 20] which is interesting as giving the real name of the mother of Adam Bothwell, afterwards Bishop of Orkney, and who officiated at the marriage of Queen Mary with Bothwell. She was named Catherine Bellenden, not as usually stated, Janet Richardson, and appears from her seal to have been of the Auchnoull family.

Alexander Home, second of Polwarth, was also twice married. His second wife was Margaret Luder, named in the Dispensation [No. 14], who was the widow of Mungo Hepburn, of Waughton [No. 39]. His first wife was Margaret Crichton, and it appears from the sentence of divorce in No. 60 that he entered, though unsuccessfully, into other matrimonial relations. He is named in other writs [Nos. 13, 59, and 62] as dealing with members of the old Berwickshire families of Spens of Harden, and Wolf of Waldelie or Wedderlie, and [Nos. 57—69] may be indicated as giving information about these families, and also that of Trotter, the list of furnishings, &c., in No. 58, the reference to the battle of Solway Moss in No. 61, and the marriage contract No. 64 being most noteworthy. We have a slight reference to the sons of Alexander Home in No. 18, but there is nothing special recorded of any member of the family until 1592, when we find Patrick Home, then younger of Polwarth, commended by the Duke of Lennox for his services, and appointed keeper of the Castle of Tantallon.

Attention may also be drawn to some of the miscellaneous writs not directly relating to the Homes of Polwarth. The oldest of these [No. 1], dated in 1343, gives the names of several members of the old family of Ross of Haining. The Haliburtons of Gogar and Dirleton, the Homes of Wedderburn, and the Edgars of Wedderlie, are referred to in Nos. 4, 9, and 10. The Homes of Law and of Heuch, and the Cranstouns of Corsbie in Nos. 21—23. Nos. 24—29 relate to the priory or convent of nuns of the Cistercian Order at North Berwick,
an ancient foundation with which, about the year 1520, the Homes of Polwarth became connected, a member of the family being Prioress. The instrument, No. 28, about the lost seal of the priory, is of special interest. Margaret Hume, prioress [No. 29], who grants a lease of the Heugh to Alexander Hume, was a sister of Patrick Hume of Polwarth.

The chief collection of miscellaneous writs consists of Nos. 30—56. Few of these are specially noteworthy, but the following may be referred to. No. 37, the testament of Alexander Home of Redbraes. No. 42, 43, and 46, which illustrate the mode of payment of salaries to retainers of the royal households of King James the Sixth and his Queen. Sir John Skene of Curriehill’s receipt [No. 48] for Sir Patrick Home’s proportion of the tax for printing the old laws of Scotland is of interest, as also the certificate [No. 49] as to George Home’s performance of the duties required of him as a landowner in Ireland. No. 56 relates to the Scottish descent of the Princess Czar- torisky in 1700.

The papers now reported on also contain a number of minor ecclesiastical documents of dates before and after the Reformation, a few of which may be noticed, such as the tack of the teinds of Moor dean, by Thomas Ker, Abbot of Melrose, at so early a date as 1524 [No. 70]; the monition [No. 71], directed by George Crichton, bishop of Dunkeld, to the parishioners of Dull in Athole, to pay their teinds and dues to John Wynram, subprior of the priory of St. Andrews. John Wynram afterwards joined the Reformers, and become superintendent of the district of Fife. No. 73 contains a mandate by “Dene” Adam Chatto, subprior of Kelso, for absolving Alexander Hume, younger, and James Hasty, from the sentence of excommunication, under which they had fallen for not paying their teinds of Woodhead. There are also a series of discharges by William Schaw, provost of Abernethy [No. 77]; Alexander Colville, commendator of Culross [No. 79]; Robert Douglas, provost of the College of Lincluden [No. 81]. The precept of sasine, No. 83, is interesting, because granted by Andrew Ker of Fawdounsyde, second husband of Margaret Stewart of Ochiltree, widow of John Knox, the Reformer, while two of the Reformer’s grand-nephews are witnesses.

The remaining writs are so fully described and explained in the Report itself, that it is superfluous to recapitulate them here. Attention may, however, be called to the papers relating to Alexander Hume, the minister of Logie, and a poet of note in his day [Nos. 84, 85]. A Pass by Oliver Cromwell to Lady Polwarth, to go from Edinburgh to Redbraes, may also be noted, and the warrant and patent for creating Patrick, Lord Polwarth, Earl of Marchmont. Two historical documents of considerable importance are here printed in full for the first time. These are the Additional Instructions to Patrick, Earl of Marchmont, as Commissioner to the Parliament of Scotland in the year 1698; and his Instructions to represent the King in the General Assembly of the Church of Scotland in the year 1701-2. King William died a few days after signing the Warrant and Instructions. These are the last public acts of the King with reference to the Presbyterian Church of Scotland. Owing to his death before his warrant was acted upon, a new warrant was granted by Queen Anne on the day of King William’s death.

Omnibus hanc cartam visuris vel audituris, Robertus Senescallus Secie, salutem in Domino sempiternum. Noveritis nos inspexisse ac veracier intellexisse cartam Willemi de Ross, filii et heredis quondam Walteri de Ross, dominus del Haynnyng in tenemento de Gallistown in Kyle Senescalli, non abolitam, non cancellatam nec in aliqua sua parte viciatam in hec verba:—Omnibus hanc cartam visuris vel audituris, Willemus de Ross, filii et heres quondam Walteri de Ross, dominus del Haynnyng in tenemento de Gallistown in Kyle Senescalli, saluten in Domino sempiternum. Noveritis me dedisse, concessisse et hae presenti carta mea confirmasse Elizabet, filie Petri de Pollok, et heredibus suis inter me et ipsam legititme procreatis [illas] duas pecias terre mee cum pertinencis jacentes in dicto tenemento que vocatur le Haynnyng et Acheneros ; tenendas et habendas eidem Elizabet et heredibus suis inter me et ipsam legititme procreatis de me et heredibus meis quibusuque, in fecdo et hereditate, per rectas metas et diuissas suas, cum omnibus [pertinencis, liberta]tibus, commoditatis et aysiamenis ad illas duas pecias terre iuste pertinentibus seu pertinere valentibus, ad eodem et quiete et suis sicut ego et predecessores mei casdem duas pecias terre tenuimus vel potuimus tenere, sine prestatione aliqua multure; et ipsa Elizabet et heredes sui inter me et ipsam legititme procreati pro-pinquiores erunt ad molendinum in molendino de Achincross post proprium bladium meum et heredum meorum inuentum in trinodio ; faciendo inde ipsa Elizabet et heredes sui inter me et ipsam legititme procreati forinsecum servitium domini regis quantum pertinet ad servitium vimus architentenis, et reddendo inde annuatim michi et heredibus meis quibusuque vnum par albarum calearium ad festum apostolorum Petri et Pauli, pro omni alio servitio, secta curie mee et heredum meorum, consuetudine et demanda seculari; et si contingat, quod abit, dictam Elizabet in fata dedgere sine herede inter me et ipsam legititme procreato dicte due pecie terre cum pertinencis ad me et heredes meos libere reuerentur. Et ego Willemus predictus et heredes mei quicunque dictas duas pecias terre cum pertinencis adeo libere sicut prescriptum est dicte Elizabet et heredibus suis inter me et ipsam legititme procreatis contra omnes homines et feminas in forma prescripta imperpetuum warrantibus, acquietibus et defendemus, pro anno redditu supradicto. In cuinis rei testimonium presenti carte sigillum meum apposui, hiis testibus, Dominis Roberto de Cunygham, Jacobo de Cunygham et Adam More, militibus; Jacobo Senescalli tene vicecomite de Are, Willemo de Twyname, Jacobo de Crauforde Willemo de Gobensketh et aliis multis. Quamquidem cartam in omnibus punctis, conditionibus, articulis et circumstancis suis vnivesris, forma pariter et effectu, ratificamus, aproslamus et tenere presentis carte nostre pro nobis et heredibus nostris in perpetuum confirmamus: In cuinis rei testimonium presenti carte nostre sigillum nostrum fecimus apponi; testibus, nobilibus viris Dominis Johanne Senescalli de Pretwyk, consanguineo nostro, Johanne de Crauforde de Grenok, Johanne de Lyndesay de Thoriston, militibus, Willemo de Keth, Jacobo de Crauforde, Adam More, Roberto Logan et multis aliis:
2. Charter by King James I. confirming grant (dated 1377) by George Earl of Dunbar, of the lands of Polworth. 1429.

Jacobus Dei gratia rex Scotorum, omnibus probis hominibus tocius terre sue clericiis et laicis, salutem. Sciatis nos quandam cartam dilecti consanguinei nostri quondam Georgei de Dunbar, comitis Marchie, dominii vallis Anandie et Mannie, factam et concessam dilecto et fideli nostro Johanni de Sancto Claro de Hirdmanstown, de omnibus et singulis terris ville de Polworth vnacum omnibus tenandis in eadem cum pertineniciis, de mandato nostro visam, lectam, inspectam et diligentem examinatam, non rasam non abolitam, nec in aliqua parte niecatam, sed omni prorsus vicio et suspicione caretem intellextisse ad plenum; cuiusquidem carte tenor sequitur et est talis:—

Omnibus hanc cartam misuris vel audituris, Georgius de Dunbar, comes Marchie, dominus vallis Anandie et Mannie, salutem in Domino sempiternam. Sciatis nos dedisse, concessisse et habemus presenti carta nostra confirmasse dilecto et fideli nostro Johanni de Sancto Claro, domino de Hirdmanston, pro homagio suo et seruicii, omnès terras nostras ville de Polworth cum suis pertineniciis, vnæ cum tenandriis omnibus in eadem villa laicentibus, per suas rectas metas et antiquas; quequidem omnia et singula cum pertineniciis suis omnibus dominis Patriochis de Polworth miles, quondam dominus eorum, nobis sursum reddidit et perustem et baculum pro se et heredibus suis pure et simpliciter in presentia proborum plurium imperpetuum resignavit: Tenendas et habendas predicto Johanni et heredibus suis de nobis et heredibus nostris, in boscis, ... in feodo et hereditate imperpetuum:

Reddendo inde nobis et heredibus nostris forincecum servicii deditum et consuetum tantum pro omnibus aliis seruiciis. ... Et nos dictus Georgius et heredes nostri omnes predictas terras de Polworth ... predicto Johanni et heredibus suis contra omnes mortales warantizabimus, &c. In euis rei testimonium presenti carte nostro signum nostrum fecimus apponii, liuis testibus, Johanne de Dunbar, comite Morauic, Dominis Waltero de Haliburtoun domino eiusdem, Patricio de Hepburne domino de Halis, Johanne de Edmonds- toune domino eiusdem, Alexandro de Haliburtoun, Johanne de Turribus et Johanne de Haliburtoun, miltibus, Nigello de Conynghame, domino de Beltoun, Alexandro de Cokburne, domino de Langtoun, Alexandro de Rielynctoun, Philippo de Nesbit domino eiusdem, Roberto Leth et alius, Datum apud Dunbar, duodecimo die mensis Junii, anno Domini millseimo cccclxviiimo septimo. Quamquidem cartam, donacionem et concessionem in eadem contentas, in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effecuta, in omnibus et per omnia, approbamus, ratificamus et imperpetuum confirmamus, salvo seruicio nostro. In euis rei testimonium presenti carte nostro magnum sigillum nostrum apponii preceptum, testibus, reuerendo in Christo patre Johanne episcopo Glasguensis, cancellario nostro, Johanne Forestarii, camerario nostro, Waltero de Ogilbi, thesaurario nostro, miltibus, Magistro Wilhelmo Foulis, custode priuiati sigilli nostri, preposito de Bothuile, et magistro Thoma de Myersctoun, decano Glasguensis, apud Edinburgh, nono die mensis Maii, anno regni nostri vicepsimo quarto. [1429.] (This charter is not recorded in the books of the Great Seal Register now extant.)

3. Notarial Instrument narrating that John of Catpayir of Polworth resigned by staff and baton into the hands of John Sinclair of Herd-
manstoun and Polworth, his over-lord, his whole land with pertinents lying in the town and territory of Polworth within the sheriffdom of Berwick, namely, the half of a husband land, with all his claims. Done at the Castle of Herdmanstoun at 10 a.m., 31 January 1437–8, in presence of John Yhule, William Coxson, Thomas Dicson, Patrick Thomson and Edward Stenson. William Harpar, notary.

4. Letter of Reversion by George Haliburton of Upper Gogar to his brother Sir Walter Haliburton, as to the lands of Betshiel. 1439.

"Be it knawyne til al men be thir present letres, me, George of Haliburton of Vuergoer, to be oblyst lely and trewly be the fayth of my body for me, myne ayris and myne assignes, til a nobil man, Schir WALTER of Haliburton of that Ilk, kneycht, my brother, that abeyd the said lorde haf gyffyne to me al the landis of Betschele with the pertinence lyand within the s cheredf dome of Berwie, and gyffyne to me tharof charter and sesyng, nevirthelles I wyl and grauntis for me, myne ayris and myne assignes, that qwhat tyme after the fest of yule next followand after the date of thir letres the said Schir Waltere, his ayris or his assignes, pays to me, myne ayris or myne assignes, ane hundrith markis of vsuale mone of Scotland on a day betuix the rysying of the sone and the dovangangyn of the sanye, in the paryse kyrk of Boltone, on the he alarte, but fraude or gyyle, than I, myne ayris or myne assignes, sal deliuer and vpgyf'to the said lorde, his ayris or his assignes, alhale the said landis of Betschele with the pertinence, togydder with the forsayd charter and sesyng tharof to me gyffyne, sa that the said charter na sesyng haf nowther force na effec fra that tyme furth in tyme to eewm. In witnes of the qhilk thynq to thir letres I haf set my sell, at Dryltoun the xxij day of the moneth of June the yere of oure lord a thousand four hundrith thretty and nyne." [This writ was transummed or copied by a notary on 13th May 1449 at the instance of Thomas Congyltoun, son of John Congyltoun of that Ilk, by Alexander Clerkson, notary in the burgh of Haddington at 8 a.m. Witnesses, Giles Ker, squire, William Harpar, notary public, and William Clerkson, burgess of Haddington.]

5. Transumpt of Charter by King James Second to John Sinclair, of the lands of Polworth, 17th July 1443.

Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus a tocius terre sue, clericis et laicos, salutem. Scias nos dedisse, concessisse et habeas carta nostra confirmasse dilecto et fidelis nostro Johanni de Sanctoclario, filio et heredi Johannis de Sanctoclario de Hyrdmanstoun, omnes et singulas terras de Polworde cum pertinenciis, in censes infra vicecomitatum de Berwico. Quεqueδiem terre cum pertinenciis fuerunt dicti Johannis de Sanctoclaro hereditarie; et quas idem Johannes non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras per fustem et baclum coram testibus per suas literas patentes et procuratorem suum ad hoc legitimae constituam, sursum reddidit purique simpliciter resignavit, ac totum jus et clamanque que in dictis terris cum pertinenciis habuit seu habere potuit pro se et hereditibus suis omnino quitum clamanit imperpetuum. Tenendas et habendas prenomitätas terras cum pertinenciis dicto Johanni et Katrine sponse sue et eorum alteri ducius viueuti, ac hereditibus inter ipsos legitime procreandis, quibus forte deficiens veris et legitimis hereditibus dicti Johannis quibusque, de nobis et hereditibus nostris, in fecodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, adeo libere et quieta, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia,
sicut dictus Johannes aut aliquis predecessorum suorum prenominatas terras cum pertinentiis de nobis aut predecessoribus nostris ante dictam resignacionem nobis inde factam liberius tenuit seu possedit: Faciendo inde nobis et heredibus nostris dicti Johannes et Katrina et eorum alter diuicius vivens ac heredes inter ipsos legitime procreandi, quibus forte deficientibus veri legitimi et propinquiores heredes dicti Johannis quicunque, suericia debita et consueta. In euis rei testimonium presenti carte nostro magnus sigillum nostrum apponi precepinus; Testibus, Reverendis in Christo patribus, Jacobo, Johanne, Jacobo et Michaeli ecclesiariam Sanctiandree, Glasguensis, Dunkeldensis et Dumblanensis episcopis, diletto consanguineo nostro Willelmo Domino de Crychtoun cancellario nostro, Alexander de Lewingstown de Calentare, Johanne Sibbalde de Balgowny, militibus, Jacobo de Lewingstown scutifer, Magistro Willelmo Turnbule, nostri privati sigilli custode, et Magistro Georgio Schorsyswode, clerico nostro, apud Striuelvn, decimo die mensis Julii, anno Domini millesimo quadringentessimo quadragesimo terto et regni nostri septimo. [This charter was transposed on 2nd May 1472, at the order of John of Ottirburn, Licenciate in Decrees, Provost of the Collegiate church of Methven, canon of Glasgow and official of St. Andrews in the archdeaconry of Lothian, sitting in the usual Consistory Court in St. Giles Church, Edinburgh, as requested by Katrine Home, relict of the late John Sinclair, son and apparent heir of John Sinclair of Herdmansloun, and now spouse of Archibald Douglas, and Mr. Thomas Pyt, rector of Abbotoun, her procurator, Witnesses, Gilbert Otterburn, rector of Slains, Andrew Wardlaw, Patrick Louthian, Thomas Halyday, James Fulford, and John Lany, presbyters. The seal of the official is appended, in a defaced condition. It represents a mitred head and shoulders, with a coat of arms beneath. The royal charter is not contained in the extant portions of the Register of the Great Seal.]

6. Retour of service of Margaret Sinclair as one of the heirs of her grandfather in the lands of Kimergham. 1467.

Hec Inquisitio facta fuit apud Berwic super Twedam, in curia vicecomitis de Berwic tenta in pretorio eiusdem coram Adam de Hepburne de Dunsyuar, vicecomite de Berwic, septimo die mensis Aprilis, anno Domini millesimo quadringentesimo sexagesimo septimo, per istos subscriptos magno sacramento internunicii iuratos, videlicet, Robertum de Laweder de Edringtoun, Adam de Nesbit de eodem, Robertum Inglis de Lochhead, Adam de Blacader, David Lumysden de Blenhern, Johannem Atkynsoun de Latham, Thomam de Lummysdene de eodem, Nicholaum de Paxtoun, Johannem Ellame de Butterdene, Patrioom Sleich de Cumliche, Nicholaum Forman de Hutoun, Thomam Edyntoun de eodem, Johannem de Lummysdene, Alexandrum de Manderstoun, Jacobum de Kellow, Robertum Dicson, et Patricium. * Gammyschelis armigeros: Qui iurati dicunt quod quondam Johannes Syncler, [auus] Margarete Syncler, latricis prescenzium, obit . . . . de feodo ad pacem et fidem domini nostri regis de [terris de Kim]byrgiane cum pertinentiis vicicunque infra villa . . . . tibus viacum superdomino omnium liberetencium . . . . jacentibus in regalitate de Bonkil infra . . . . dicta Margareta est [vna] de legittimis . . . . heredibus dicti quondam Johannis sui de . . . . superdomino liberetencium dicte ville . . . . legittima et pro- pinquior heres dicti quondam Johannis . . . . dictarum terrarum et

* The blanks throughout are caused by defaced portions of the writ.

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superdomini predicti cum per[tienciis] . . . legitime etatis, et quod dimidietas dictarum terrarum et super dominii predicti cum pertinenciis valet nunc per annum viginti . . . Scotie et tantum valuit tempore pacis: et quod tenetur in capite de domino comite Angusie tanquam domino regalitatis . . . albe firme Reddendo inde sibi annuam vnum denarium argenti in festo Pentecostis nomine albeferme si petatur tantum. Et [quod] nunc existit in manibus dicti domini comitis legitime per seipsum per mortem dicti quondam Johannis Synclar ob defectum prosecutionis . . . jus suum hucusque inde non prossequentis, a tempore obitus dicti quondam Johannis, qui obit vicesimo die mensis Decembris ultimo elapsi, anno Domini millesimo quingentesimo sexto. In cuinis rei testimonium quidam eorum qui dicte inquisitioni intererant sigilla sua sub inclusione sigilli prefati vicecomitis cum breui inclusu presentibus appenderunt anno die loco et mense supractibus. [Four seals and a fragment still appended—all defaced.]

7. Charter by Alexander Duke of Albany, Earl of March, &c, granting to Thomas Schoriswod for his faithful service two husband lands with the half of a husband land, lying in the town and territory of Grenlaw, in the earldom of March, belonging to the late William Edwardson and resigned by him; to be held to the said Thomas, his heirs, &c, of the Duke and his heirs, in fee and heritage as the late Thomas Daniison held the lands, and for the same service. Dated at Dunbar, 11th April 1470. Signed "Alexader Dwk of Albany." Witnesses, Sir James Liddell knight, the Duke's master of household, Mr. Alexander Inglis his secretary, subdean of Dunkeld, Mr. George Liddell rector of Forest, David Rantoun of Billy and George Roule. A fragment of seal attached.

8. Instrument of Sasine in terms of letters by Alexander Duke of Albany, &c, directed to Patrick of Smetoun as bailie to give sasine to Marion Sinclair, wife of George Hume of Wedderburn, of the lands of Polwarth, in the earldom of March and sheriffdom of Berwicke as senior heir; "Qui uero Patricius tanquam filius obediencie volens mandatuum sui domini ad promptum in omnibus adimplere, prefato Georgii actornato dicte Marieote statum suisam et possessionem dictarum terrarum de Polwart cum pertinenciis, per lapidem et terram in manu dicti Georgii per prefatum Patricium ballium impositos, per capsulam ostii et introitum euisdem principalis domus loci de Polwart, auctoritate dictarum literarum, contulit et assignavit; ac ipsum Georgium actornatum in realem actualem et corporalem possessionem dictarum terrarum omnibus modis quibus melius et efficacius potuit corporali nomine quo supra introdixit et investuit." Sasine given 10th November 1475. Witnesses, Archibald Douglas, Alexander Chirnside of East Nisbet, Sir James of Tranent, vicar of Fogo, Sir Thomas Ganyll, curate of Polwarth, and others.

9. Letters of Obligation by John Murray and Elizabeth Sinclair, by which they oblige themselves in favour of David Home of Polwarth, son and apparent heir of George Home of Wedderburn, that on their lands in the lordship of Polwarth, and they bind themselves not to molest him in possession, under a penalty of 400 merks. Dated at Edinburgh, 24th January 1479–80. Witnesses, Thomas Lowis of Manor, George Cant, Henry Cant, and others. Two seals appended. The first shows a shield charged with a hunting horn, three mollets in
chief and a fourth as a mark of cadency. Legend, "S. JOHANNIS MORRA." The second seal is broken, but shows the engrailed cross of Sinclair. Legend imperfect.

10. Notarial Instrument narrating that in presence of the notary and witnesses there compèared Adam Edgar, Laird of Wedderlee, and acknowledged that with consent of Robert Edgar, his son and apparent heir, he had sold his land of Polwarth, commonly called Leland, to David Hume of Polwarth his over-lord for twenty merks Scots, which lands he resigned in the parish church of Polwarth, with all his rights. Done in the parish church of St. Kentigern of Polwarth on 6th March 1486-7. Witnesses, George Sinclair, Oliver Edgar, Thomas Hasty, Patrick Grefe, Andrew Gilly, Robert Johnstone, John Mody, Richard Thomsone and Hugh Spens.

11. Charter by King James the Fourth, confirming a charter (dated at Ayr, 7th September 1496) by George Ross, Laird of Haining, granting to his son George Ross and a series of heirs named, the lands of Haining in the sheriffdom of Ayr. Confirmed at Stirling, 6th June 1496. [This writ is recorded in the present Register of the Great Seal, and its existence only is noted here.]

12. Retour of Inquest made in presence of George Master of Angus over-lord of the lands, by Patrick Sleych of Cumlych, Alexander Ellame of Buttyrdane, James Spens of Hardens, Patrick Lummysden de Blanerne, John Yettame, John Auldyncrau, John Atkynson, William Edyngton, David . . . . Sleych, James Sheldyn, John Lummysden of Law, George Sleych, Richard Bene and William Ranton, who upon oath declared that Margaret Sinclair, mother of Alexander Hume, died last vest and seized of fee at the faith and peace of the king in the half lands of Kymbyrgeame &c. in the regality of Bonkille and sheriffdom of Berwick; that the said Alexander is the lawful and nearest heir and that he is of lawful age; that the lands are worth £20 Scots yearly and are held in chief of the Earl of Angus for one penny at Whitsunday of brenchfarm; that they are now in his hands as over-lord by the death of the said Margaret, and of Sir Patrick Hume, knight, from the time of the death of Sir Patrick, six months before the date of the Inquest. Done at Preston, 7th May 1504.

13. Notarial Instrument narrating a contract, dated at Redbraes, 5th November 1518, by which Alexander Hume of Polwarth agrees to pay to Peter Spens of Hardens the sum of 300 merks for the lands of Hardens-above-the-burn, in wadset, while Peter Spens shall infeft the Laird of Polwarth in the less half of his lands in Chirnside, as warrandice of Hardens; and if Spens agrees with John Wolf of "Waudaile" he shall infeft Hume within twenty days. Of the 300 merks 120 are paid, 120 are to be given to Thomas Trotter of Fogo-Rig, to redeem Hardens from John Wolf, and 40 pounds are to be given to Spens immediately. Instrument dated at Redbraes, 15 December 1518. [Various charters and the usual sasines, including one to Alexander Hume and Margaret Crichton his wife followed on this contract. The seal of Peter Spens attached to one writ shows a shield bearing, pretty, with three mollets in chief.]


Andreas, Dei et apostolice sedis gratia Archiepiscopus Sanctiandreæ,
totius regni Scotiae primas, legatus natus, ac per vniuersum regnum predictum eiusdem sedis, cum potestate et facultate legati de latere. Legatus, discreto viro Magistro Georgio Ker, preposito collegiatis ecclesie de Dunglas nostre diocesis, saltem in Domino sempiternam. Ex parte dilectorum nobis in Christo nobilibum, Alexandri Home, laici, et Margarete Lauder, mulieris nostre Sanctiandrei diocesis, nobis obiata petitio continebat, quod ipsi olim scientes se simplices tertio consanguinitatis gradum inuiciem esse coniunctos sese pluribus actuornicario carnali et cognouerunt, excommunicationis sententiam et incestus reatum propertia incurrendo: cum autem sicut cadem subiuengebat petitio dicti exponentes certis de causis rationibus et maxime propter huiusmodi carnalem copulam desiderant inuiciem matrimonium contrahere illudque in facie ecclesie solemnizare supplicari fecerunt propertia humiliter dicti exponentes eis super hiis per nos de debite absolutionis beneficio et oportune dispensationis gratia misericorditer prouideri. Nos igitur ad ehe sufficienti apostolica facultate potiti, auctoritate apostolicae nobis commissa et qua fungimur in hae parte, discrectioni tue committimus, quatenus si est ita eosdem exponentes si id humiliter petierunt ab excommunicationis sententia quam propter premissa incurrerunt absoluas hac vice duntaxat in forma ecclesie consuetae, inuictis inde sibi et eorum culilibet pro modo culpae penitentia salutari et aliis que de jure inuindinga fuerint: et demum cum eisdem quod non obstante impedimento predicto matrimonium inter se libere contrahere ac in facie ecclesie solemnizare et postmodum in eo remanere libere et licite possint et valent dispenses, dummodo propter hoc dicta mulier ab aliquo raptu non fuerit, prolem susceptam si qua sit et susciendam exinde legittimam decernen. In quorum omnium et singulorum fidem et testimonium premissorum presentes litteras exinde fieri fecimus et sigilli nostre legationis jussimus appensione comuniri. Datum Edinburgi, nostre Sanctiandrei diocesis, anno incarnationis. Pape decimi anno octauno. VIss. Jo. Lauder, secret113.

15. Precept of Sasine by Patrick Diksoun, son and heir of the late Archibald Diksoun, for infesting Alexander Hume of Polwarth and his heirs in two husband lands lying in the town and territory of Graden, sheriffdom of Berwick, to be held of the king. Edinburgh, 3rd April 1523. Signed “Patrik Diksoun w* my hand at ye pen.” Seal attached. Two birds passant. A mollet in base. Legend, S. PATRICE DICSON.

16. Lease by Andrew [Durie], Abbot of Melrose, with consent of his convent, granting to “Patrik Haitlye and to his airis and assignais quhatsumeuer, quhilkis beand of na greter dege na hymesell, all and hail our landis callit the clerkland exceppand ane croft lyand in to the town of Assitone ijs. of mail, the quhilk Patrik Brownfeld he3 in tak,” all lying in the Merse within the sheriffdom of Berwick; to be held in lease for nineteen years for a yearly rent of 18/ Scots. Dated at Melrose, 8th April 1529. Signed, “Andreas Mellirois Abbas,” and also by the sub-prior and twenty-four other monks. [A later writ is a Precept of Clare Constat by James (Douglas) Abbot of Melrose for infesting Patrick Haitly as heir of his father the late Patrick Haitly in the 18/ lands of Clerkleys, bounded as described. Dated at Dalkeith, 22 July 1589. Witnesses, John Douglas of Kennestoun, William Douglas his son, and others. Signed, “Jacobus commendataris de Melros.”]

18. Notarial Instrument narrating a contract between Patrick Hume of Polwarth and Gavin Hume at the burgh of Jedburgh, by which the former agrees to give the life-rent of the £20 lands of Shiells to the latter who in turn renounces all right or claim he had to his father’s lands. Gavin shall also give his bond of manrent to Patrick, excepting no man but the king, and shall also deliver to him his place with his heirship, except a chamber and a stable until Whitsunday when he shall remove, answering to “the lady” for her terce of the lands; while Patrick shall give Gavin his bond of maintenance. Regarding Kimberghame Mains and Redbraes, Gavin obliges himself for his brother, Alexander Hume, “that he shall deliver all his part to the said Patrick baith seid and oxin with the teling and harroing therof, he fyndand cautioin to hym as efferis thairfor or than gifand hym the Beldsheanull for the samyn for the maill payng, and faiizand therof to gyff to the said Alexander his brother als mekyll in ane vthir place at the sycht of Andro Ker of Farnhirst and Alexander Schaw of Sauchye for his barnis part of geir forsaid.” The penalty for infringement of the contract is 300 merks. Done in the chamber of Andrew Ker of Farnhirst, at the burgh of Jedburgh at 2 p.m., 15th March 1532-3. John Ker and Robert Ker, brothers-german, witnesses with others.

19. Presentation by Elena Schaw, lady of Dirleton, in favour of Bartholomew Baund of the prebend of Vigoroushauch, 1536.

Venerabili et egregio viro Magistro Johanni Chesolme, preposito ecclesie collegiatae de Dunglas, Elena Schaw, domina de Dyrtoin, coniuncte infeodationis terrarum de Wygrusshauch, Bradyaridis cum colubmario eiusdem, horse mercat et piscationem aquarum de Tewyd et Tewyoth et vnius annui redditus quadraginta solidorum de terris de Mordenstoun, reuereintias debitias et honores: ad prebendam de Wygrusshauch cum suas pertinentias antedictis, ad meam presentationem vestramque admissionem pleno jure spectantes, dilectum meum Dominum Bartholomeum Baund presbiterum animo non variandi seu accumulandi vobis tenore presentium presente; Excertans rogans quatenus dictum dominum Bartholomeum presentatum meum in et [ad] huiusmodi prebendam sic vt premittitur recipiatis et admittatis, tandemque sibi conferatis, ac ipsum vel procuratorem suum eius nomine in realem actualen et corporalem possessionem eiudem inducatis et institutis, inductunque institutum in eadem canonice defendatis sibique stallum in choro et locum in capitulo assignari faciatis; ac sibi Domino Bartholomeo presentato meo vel suis procuratoribus de vniuersis et singulis terris predictis ac proficis eiudem quibuscunque integre responderi faciatis; contradictores vero et rebelles si qui forsan fuerint vestra actuatoria artius compescendo, ceteraque faciendo que vobis in premissis incumbunt peragenda. In cuius rei testimonium sigillum meum vsecum men subscriptione manuali per tac tum calami presentibus est affixum, apud Struiling, penultimo die mensis Maii, anno Domini millesimo quingen tesimo trigesimo sexto; coram his testibus, Magistro Patricio Hume meo filio, Patricio Cokburn, Georgio Schaw, et Roberto Lernmonth, notario publico, cum diversis aliis. Signed, “Da[i] Elen Schaw lady off Dyrtoin with my hand on ye ñen.” [The same lady, as widow of Sir Patrick
20. Letters of Reversion beginning "Till all and sindry quh'am it efferis quais knowlege thir present lettres sal cum, Adam Bothwell, sown of vmquhile Maister Francis Bothwell, and Katherine Bellendene, my moder and tutrice testamentar, greting in God evirlesting," &c., by which they declare that although George Hume of Lundies has sold to the said Adam an annual rent of twenty marks from the lands of Trottanschaw and Byreclaunch and Handaxwood, lying in the barony of Bothwell by annexation, in the lordship of Dy and sherrifdom of Berwick, yet as soon as Hume shall pay upon the altar of St. James the Apostle, within the collegiate church of St. Giles, Edinburgh, the sum of 400 marks, the said Adam binds himself to resign and upgve the annual rent in Hume's favour. Dated at Edinburgh, 4th May 1542; witnesses, James Halden of Glennagans, James Launson of Highriggs, Archibald Halden, Patrick Halden and others. Signed "Kathryne Bellendene vyht my hand," "Adam Boithuille wyht my hand." Seals appended, in fair condition. The first, a hart's head, couped, between three cross-croslets. Legend, "S. KATRINE BALL- TINE SFôSE M. FRA. B." The second, a chevron between three trefoils slipped. Legend, "S. ADE BOITHVIL."

21. Procuratory of Resignation by Mr. Patrick Hume (of Law) and Margaret Wemyss his spouse, nominating Mr. William Schaw, provost of Abernethy, and John Fecart, to resign in the hands of John [Stewart], commenderator of Coldingham as superior, the four husband lands of Law and four husband lands with three quarters of another husband land, of Hillend, in the barony of Coldingham and sherrifdom of Berwick; also fourteen husband lands extending to 14 marks of land, three "gerlandis" lying contiguous with the said lands of Law, extending to 30/; 40/ of land called the Halcroft; 20/ of land called "Armestrangis Park;" one cotland with two acres of land adjoining the lands of Law, extending to 10/ of land; three husband lands and a half in the town of Coldingham extending to 46/8 of land; one cotland in the said town of Coldingham, called "Clinkskailis," extending to 10/ of land; and the half of a cotland in said town with tofts, etc., all in the said barony and sherrifdom, for new infeftment to the resingners in liferent and their son and heir apparent David Hume and his heirs. Dated at Coldingham, 2 September 1556. Signed, "Mas? Patryk Howm of ye law wyt my hand." "Margaret Wemyt w't my hand." Seals appended, the first bearing quarterly 1st and 4th a lion rampant, 2 and 3 three birds with a crescent for difference, "S. PATRIC HUME," the second bearing the four lions of Wemyss, legend indistinct.

22. Charter by John Cranston of Corsbie granting to his wife Elizabeth Swinton in liferent his lands and barony of Bowne with tower and manorplace of Corsbie; and mill of the same, with the lands of Duddis and mill thereof in said barony, lying in the sherrifdom of Berwick; also all and sundry the sixteen marks of lands of "Leythheid, Leidom, Byarno and Harlaw," in the sherrifdom of Edinburgh: To be held banch of the granter. Dated at Corsbie, 4th September 1556. Witnesses, George Haliburton residing in Dryburgh, Archibald Haliburton there, and others. Signed "Jhon Cranston." Seal appended, quarterly 1st and 4th three birds (cranes?), 2 and 3 a device resembling four fleur-de-lys arranged crosswise. Legend imperfect.
23. Latter Will of Robert Hume of the Hewch, beginning "Be it kend tyll all men be thir present lettres, me, Robert Howme of the Hewch, haiffig guid experiens daylye of the guid handilling of my hail leiffing and moveable guidis be my derrest spous, Marione Hepburne, now presentlye and all tymes bypast, and als understanding the guid newrising intrettung and vpbyrnygin of my derrest lauchfull sone, Robert Howme, my apperand ayr of the Hewch, and gottin vpone hyr, quhome God increse, and the rest of my barnis infants and pupillis, and sicyky the grett luff that schow beiris and dayly hes borne sen the contracting of our mariage towar the rest of my brethering, sistaris and vtheris speciall my grett fryndis; And in consideration of thir respectis and to gyf hyr the bittir occasione and grettar persuasion to continew in luff and fauoreis towartis me and myn in tyme cuming in the samyn; and weyeand the grett troublulis and apperand daylye cummeris to appeyr and ryse mayr and mayr, and in case I deceise (as God sall pleis) in this present yir of grett troublil and sharpeis; in that case alenuelie, now as than and than as now hes maid, constitut and ordanit, lykas be the tennour heyrof solemnatiye makis constitutis and ordanis my said derrest spous, Marione Hepburne forsaid, and my said lauchfull sone, Robert Howme my apperand ayr of the Hewch, my only eecutionouris," giving them full power over all his effects, advising the son to take advice from his mother as to choosing curators, and giving all guidance of his children to his wife only. Dated at the Hewch, 26 May 1568. William Hepburne, son to John Hepburne in the Nungate (North Berwick), and others, witnesses. Signed, "Robert Hwme of the Hewche with my hande."

2. PAPERS relating to the NUNNERY of NORTHBERWICK, 1523—1547.

24. Lease granted by "Alison Home, be the permission of God priorae of the Abbey of the Nunre of Northberwike," in favour of Alexander Hume of Polwarth, and Patrick Hume his son and apparent heir, of the parsonage of the church of Logie in the diocese of Dunblane; to be held with the teindsheaves, for the space of nineteen years from Candlemas, at a yearly rent of ninety merks Scots, payable at Candlemas and Lammas. Dated at Northberwick, 26 September 1523.

25. Papal Confirmation of grant of teinds of Logie to Alexander and Patrick Hume. 1525.

Laurentius miseratione diuina Episcopus Prenestini, discretis viris Abbati Monasterii de Calco et preposito ecclesie collegiata de Dunglas Sanctiandree, salutem in Domino. Ex parte Alexandri Hwm de Polwart et Patricii Hwm, eius filii et heredis, laicorum Sancti Andrei dioecesis, nobis oblata petitio continentat, quod priorissa et moniales monasterii monialium de Northerwyk, Cisterciensis ordinis dictae dioecesis, vtilitatis dicti earum monasterii consulere cupientes, et ad infrascripta peragenda, in earum capitulo vt moris est capitalitarier congrugate omnes et singulos fructus, decimas garbales, redlitis et alia emolumenta rectorie parochialis ecclesie de Logy, Dumblanensis dioecesis, ad eas et dictum monasteriun suum legitime spectantia et pertinencia, que dudum vt ex illarum rentali seu libris introitum dicti monasterii apparere dicitur, pro quinquaginta marcis monete usualis regni Scotie locari seu arrendari consueuerant prefatis Alexandro et Patricio eorumque assignatis, vni vel pluribus, ad decem et nouem annos post festum purificationis beate Marie virginis.
ex tunc proxime futurum immediate sequentem et venientem, pro annua firma seu responsione aut censu nonaginta marcarum similium sexdecim libras sterl.orum vel circa constituentium eis et pro tempore existentibus Priorisse et monialibus dicti monasterii in dicta purificationis pro vna et in Sancti Petri ad vincula pro alia mediatibus festiuitatis, equalibus portionibus; necnon semel in anno viginti quatuor parium cirothecarum bonarum et sufficientium persolouendo; cum omnibus juribus, libertatibus, asiamentiis, proficuis et justis pertinentiis locauerunt et concesserunt, prout in quodam publico instrumento desuper confecto plenius continetur. Et licet, sicut eadem subiungebat petitio locatio et concessio seu arrendatio huiusmodi in euentem dicti monasterii utilitatem cesserint et cedant, nichilominus exponentes prefate pro illarum firmitate maioris cuperent illis apostolice confirmationis robur impiendi. Quare supplicari fecerunt humiliter eis super hiis per sedem apostolicam de oportuno remedio misericordier provideri: Nos igitur auctoritate domini pape, cuius peuitentiarie curam gerimus, et de eius speciali mandato super hoc vive vocis oraculii nobis facto, discretioni vestre coniunctim committimus, quatenus si vocatis vocandis et inquisita per vos super premissis diligentius veritate locationem et concessione seu arrendationem hihiismodi in evidentem dicti monasterii utilitatem cedere et cessisse reppereritur, super quibus vestram conscientiam oneramus, illas ac prout [torn] omnia et singula in dicto instrumento locationis contenta apostolica auctoritate confirmetis et approbetis, omnesque et singulas tam juris quam facti defectus si qui in premissis interuenierint suppleatis, non obstantibus felicis recordationis domini Paulii pape ij ac aliiis constitutionibus et ordinationibus apostolicii necon monasterii et ordinis predictorum statutis et consuetudinibus etiam juramento confirmatione apostolica vel quavis firmitate alia roboratis ceterisque contraris quibuscunque. Datum Rome, apud Sanctum Petrum, sub sigillo officii penitentiarie, iij Idus Septembris pontificatus domini Clementis pape vij anno secundo. [11 September 1525.]

26. Lease, as before, of the parsonage and teinds of Logie by Isobel Hume, prioress of Northberwick, in favour of Patrick Hume of Polwarth and Patrick Hume his son. 11th January 1541–2.

27. Another lease by the same prioress granting to her kinsman, Alexander Hume, his heirs and assignees, the teindsheaves of Gylston, in the parish of Largo and sheriffdom of Fife, for nineteen years. Dated at Northberwick, 27th July 1542. [The sum of the rent is illegible.]

28. Notarial Instrument relative to the abstraction of the common seal of the convent of Northberwick. 1548.

In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis patet euidenter quod anno incar nationis Dominice milesimo quintosesimo quadragesimo octo, die vero mensis Januarij nono, indictione septima, pontificatusque sanctissimis in Christo patris ac domini nostri domini Pauli diuina providencia pape tercii anno decimo quinto; In mei notarii publici et testium subscriptorum presencis personaliter et capitulariter congregare religioso mulieres, Domina Isobella Howme et Elezabeth Puntone, Mariota Balye, Mariota Howme sub-priorissa, Elena Derlyng, Elena Schaw, Margreta Synclair, Agnes Ramsay, Alisona Puntone, Joneta Creychtone, Katrina Lenenton, Agnes Gledstans, Margreta Crawfur, Joneta Towris, Mariota Howme, Margreta Donaldsone, Isobella Rantone, Margreta Vod, convenentus
monasterii de Northberwyk lamentabiliter allegantes quod nonnullae persone clam furtive et fraudulenter abstulerunt vnum cistam continentem infra se eorum sigillum commune dicit monasterii et capituli, cum nonnullis scriptis et acquitanciis, in magnurn damnum et premiudicum dicto monasterio et conventui; protestantes igitur omnes vnamimter quod si casu aliqua littere, assedationes aut queuis scripte cum predicto sigillo sigillate fuerint aut roborate affixione aut appensione cum datis aut antedatis tempore ablationis sigilli, absque certa verificatione et justa ratificatione dictarum monialium; dicte assedationes, littere si que fuerint, aut aliqua altre littere forme alciuicis dicte moniales determinat quod nullius vigoris et effectus efficiant tenore cause suprascripte, cum ceteris et singulis punctis et articulis de jure necessario petentes. Supra quibus omnibus et singulis dicte moniales a me notario publico conjunctim et diuisim petierunt vnum seu plura publicum seu publicai instrumentum seu instrumenta. Acta erant hec in capitulo monasterii de Northberwyk, hora vn decima ante meridiem, sub anno die, mense, pontificatu, indictione quibus supra, presentibus ibidem honestis et circumspectis viris, Patricio Howme de Polwart, Patricio Howme, eius filio et apparente herede, Magistro Patricio Howme de Quhitburne, Thoma Newton, Dominis Codberto Hynd, Alexandro Patersune, Villelmo Fowler, cappellanis, Thoma Yowng, Thoma, Planamouris, cum diuersis aliiis rogatis et requisitis. [Notary’s docquet in usual form. Robert Lauder, notary.]

29. Tack or Lease by Margaret Hume, Prioress of Northberwick, in favour of Alexander Hume and his assignees, of the mains of Northberwick and the Heuch extending to thirty-six husband lands, and also the teindsheaves of the mains of Tantallon, Glegirno, Reidside, East Craig and Belgone, in the sheriffdom of Edinburgh and constabulary of Haddington; also the teind fishing of the haven of Northberwick, with the links and greens of the lands abovenamed, for the space of five years from this date, the mains of Northberwick, &c. at a yearly rent of 80l. Scots, and the teindsheaves, &c. at a yearly rent of 240 merks. Further the grantee sells and dispone to Alexander Hume “thir gudis vndir specifit, being ypoun the landis abowewritten pertenyng to ws as oure avne proper gudis, that is to say, thre skoir foure oxin, twenty-six ky, tudef skoir of yowis, ten skoir yeild schein, foure horse, twenty yeild nolt, sevin chaldersis of quheit, seix chaldersis beir, fourtene chaldersis of aitis, foure skoir bollis peis and twa chaldersis of benys, and that for certane sovmes of money payit and deburrit be the said Alexander to oure behuif and profit for the taxationis of oure said abbay and sustenyng of the conyuert therof and vpbaldeing of the place of the samyn, extending to the soume of ane thousand poundis,” the goods named being valued at that sum. Dated at Northberwick, 22 May 1547. [There are several other writs and papers relating to Northberwick Abbey and the lands of the Heuch, but none of them are of special historical interest.]


30. Obligation, the Abbot of Holyrood and James Douglas of Balvany as to rent of Ogilface payable to Torphichen. 1427.

Thir endenturis made in the Abbey of the Halycorse of Edinburgh, the sextend day of the moneth of September in the yere of God 1 thousand four hundreth twenty and sewyn yeries, betwix a reuerend
fadir, Patrix throw the grace of God Abbot of Halyrud house and the
conuent of that ilk, on the ta part, and a nobill man James of Douglas
lord of Balwany on the tother part contenys and berris witenes, that the
sayd partis ar acordit in forme and maner as folowis, that is to say, that
the sayd Abbot and conuent and James sal pay the mark of annuale
such to the house of Torpheichin out of the barony of Ogilface ewynly
betwix thaim; and qwhat at may be recoverit of the tenandis of the
sayd barony to the payment of the sayd mark sal be do partit ewynli
betwix thaim, al fraud and gile away put. In witenes of the qwilk thing
the commoun sele of the chapeter of the said Abby to the part of thir
endenturis remaynand wyth the said James is hungyn, and to the part
remaynand wyth the sayd abbot and conuent the sayd James has gert
hynge the sele of hys armys, day, yere and place befor wrytin. [Seals
gone.]

31. Precept by Robert, Abbot of the monastery of Kelso, for infestig
William Redpath of Grendiau, in terms of a charter, in the possession
of another half of the lands of Derington, that half which Alexander
Hume resigned. Dated at Kelso, 6th November 1478. Witnesses,
George Gledstanes, William Gledstanes and John of Lernmonth.
Abbot's seal attached in good preservation.

32. Certificate of sasine by one of the bailies of Northberwick of
lands there. 1490.

Be it kend till all men be thir present letres, me, Jhon Richardson, ane
of the balyheis of the burght of Northberwic, gretyng in God evir-
estand. Forthi it is medfull and meritabill to bere witenes to the suth-
fastnes and namli in caus or caussis, quharthrow hiding prejudice gref
or straith may gener hurt to the innocent, fra thin we mak it known to
yhowr vnuniserte be thir present wryt, faithfulli berris witenes the xxvi
day of the moneth of Octobris, that is for to say, at the makyn of this
present wryt yhed personali at the instans of Isabell of Wederle wyth
consent and assent of Annes of Wederle, my sister and apperand ayr to
be, to thar tenement of land liand wythin the said burght on the north
syd, betwix a tenement of land of Robert of Lawder, on the est syd on
the ta part, and a land of Jhon of Well, on the west syd one the tother
part, and resignit the said tenement of land in the said Jhon Richardson
hand wyth erd and stane, has vse is in burght, fra the said Isabell and
Anne, fra ther ayris, executuris, and thar assignyes, and gaf heritabill
stat and possession to Jamis Kyngge till his ayris executuris for ewyr
mar, alseweyll in lencht has in bred, alseweyll in the four frownt excep
all mennis all frawd and gyll away, to all qham it afferis or may affer
faithfulli we mak this known be this present wryt. In wytnes of the
qwilk thyng, I, the said Jhon Richardson ha' hung to my sell the
xxvi day of the said moneth, the yher of God mccclxxx and x yheris,
beor thir wytnes, David Fressell, Thomas Fowrros, Symon Carik,
Thomas Collen, Robert Norre, Jhon Richardson, Robert Richartson,
Jhon of Benston, wyrtyar to the curt, and Willyhem Mor and Jhon
Jhonson, serianidis that tym, wyth other money askyt and present.

33. Commission by the Commissary General of St. Andrews to
certain notaries. 1506.

Commissarius Generalis jurisdictioinis Archidiaconatus Sanctiandree,
discretis viris Magistris Roberto Wode et Roberto Myll, notariis publicis,
nostris in hac parte commissariis, ad infrascripta coniunctim et diuisim
specialiter constitutis, salutem. De vestris discretione legalitate et
scientia plenam in Domino fiduciam habentes, vobis ex speciali intuitu
et fanore honorabilis viri Magistri Richardi Schoriswode, firmarii prefati archidicaconatus, omnes et singulas personas vtriusque sexus nostre seu alterius jurisdictionis, modo sese nostro jurisdictioni in hoc casu submittant, que fatentur sese in aliquibus pecuniarum, victualium summis dicto magistro Ricardo astrictas et obligatas teneri, earum seu alterius earundem consensus vel confessione precedente, in terminis competentibus prout inter partes ipsas consentum et apunctatum fuerit authoritate nostra monendi et actandi, actaque et monitiones desuper sub pena excommunicationis conscribendi; notatis tamen premitis die anno et mense coram fidedignis testibus, dehinc register competens in debita actorum forma conficiendi et nobis ad perpetuam rei memoriam conservandam transmittendi, nostram vigore presentium plenarium committimus potestatem et facultatem impertinur specialem; presentibus tamen post annum vnum a die date presentium computandum minime valituris. Datum sub sigillo officii nostri apud Sanctum Andream, die tertio mensis Septembris, anno Domini i\textsuperscript{st} v\textsuperscript{a} et sexto. [Seal impressed—a small oval, bearing the legend, "Georgeus Archidiaconus Sancti Andr . .]

In the upper part of the seal is a saltire between the letters, G. D., the initials of Gavin Dunbar who was then Archdeacon.

34. Charter by George Quareour, son of the late John Quareour, granting and alienating to Alexander Gordon a whole land belonging to the late John Quareour in the burgh of the Canons of the monastery of Holyrood near Edinburgh, the King’s highway, or the “strand” on the north and the royal place on the south, and otherwise bounded as described; To be held in fee and heritage from the grantor, of the Abbot and Convent of Holyrood, for the burghal rent, diets in autumn and service of courts due and wont. Dated at the said burgh of Canongate, 23rd July 1520.

35. Discharge by Patrick Hepburn of Waughton, knight, acknowledging him to have received from his mother, “Mergret Launder lady of Wauchtone, and Alexander Howme of Polwert, hyr husband,” the sum of 100 merks in part payment of a sum of 400 merks for which they are bound in the books of the official of Lothian. Dated at Waughton, 6th July 1524.

36. Notarial Instrument narrating that in presence of the notary subscribing and witnesses, William Armstrong constituted Ralph Ker his assignee and subtenant in and to his curvate of lands of Clarilau, according to his letter of lease under the seal of Thomas [Ker], Abbot of the monastery of Kelso, the Abbot being present and consenting. Done in the Monastery of Kelso, Sir Andrew Turnbull, Patrick Scott, Alexander Greyrson, Robert Gledstanes, and William Henderson, witnesses. Thomas Waiche, notary.

37. Confirmed Testament and Inventory of the the goods of Alexander Hume of Redbraes, beginning “Inuentarium omnium bonorum quondam Alexandri Hume de Redebrayis sibi pertinentium dum vixerat, infra dioceses Sanctiandree et Dunkeldensem, vigesimo octavo die mensis Nouembris anno Domini millesimo quingentesimo trigesimo secundo, factum apud burgum de Edinburgh, coram hiis testibus, Adam Hepburn, Roberto Yemow, Alexandro Libertoun, Alexandro Hepburne, Roberto Anthone, Johannae Carmure et fratre Johanne Towris ordinis Predicatorum cum diversis aliis. [The amount of goods belonging to the
deceased within the diocese of St. Andrews, was valued at £878 17/3 Scots. The property consisted of grain, including wheat, barley and oats, and pease, with ploughing oxen, cows, bullocks, and sheep (no horses) on the lands of Redbraes, Kimmerghame, Trottanshaw, Northberwick, Byreclench and Channaybank. The price of a bull of wheat was 13/4, a bolt of barley 10/ and of oats 6/2. The bolt of pease was 12/. A ploughing ox was valued at 40/. Each cow and bull 26/8. Younger cows 20/ or 16/. A bullock was 10/, a ram 5/, a sheep 5/ or 3/ according to age. The property in the diocese of Dunkeld, on the ground of Luffness (which was in the barony of Aberlady, belonging to the bishops of Dunkeld), was valued much at the same rate, but the total is not given, nor is the amount of free gear after deducting the debts stated, so that the actual amount of property cannot be exactly computed.] The debts due to the deceased are stated to be the tithes of the parish church of Logie, leased by him to his brother George Hume, but their yearly value is not given. The debts due by the deceased were "In primis Ade Hepburne pro dote filie dicti Alexandri videlicet Isobelle Hume, iij2 merkur; item Roberto Hoppringill de resta dotis Katherine Hume filie sue, ij2 merkur ad bonum comptum; item episcopo Dunkeldensi pro decimis terrarum de Luffnes, quadraginta bollas ordei, quadraginta bollas auenarum, decem bollas frumenti; item Roberto Yemow, xiiijli.; item Alexandro Hepburne in Haddingtoun, xiiijli.; item Johanni Wilson ibidem, xli.; Item Johanni Lauder, xx/; item Thome Craig, xij.; item Johanni Sydserf, xij.; item Alexander Libertoun, sextecim bollas auenarum; item Johanni Cuthbertson, quatuor decem bollas auenarum; item Jacobo Brand, quattuor decem bollas auenarum; item Johanni Mare, quatuor decem bollas auenarum; item Dauid Alexander, sextecim bollas auenarum; item Cristine Libertoun, xij.; xiiij.; item Georgeo Johneson carnifici, xls.; item relicte quodam Johannis Lethame, xli.; item pro firme domus sui habitacionis infra burgum de Edinburgh, xli.; item Willelmo Pacok, eciam pro firme domus, xj.; item Johanni Machane, viijli.; item Alexandro Machane, xj.; item Johanni Matheson in Brochtoun, viijli.; item Margarete Hume, sorori sue, iiiijli. ija.; item pro mensa et cotagio Georgii Hume, filii sui, xli.; item vxori Willelmi Lauder, xvs. vid.; item Alano Mosman, et vxori sue, xiiijli.; item feodis servitorum suorum, xxli.; item Roberto Dennone vijl. vs.; item Thome Hume cultellario, xs.; item pro feidis laborantium in lucracione granorum suorum anni instantis, xssl.; item Georgii Winchesteri ciui ciuitatis Sanctiandree, xli. xvjs."

The testament is as follows.

Cum nichil sit certius morte nec incertius hora mortis, hine est quod ego dictus Alexander Hume de Reidbrays, eger corpore, sanus tamen mente confo testamentum meum in hunc modum. In primis do et lego animam meam Deo omnipotenti, glorioso Virgine Marie ac omnibus sanctis, corpusque meum sepeliendum in ecclesia collegiata de Dunglas; item fabrice ecclesie metropolitane Sancti Andrei, iiiijd.; item pro cera, sudario ac aliis necessariis ac feodis presbiturorum in die mea seputatione et translatione corporis mei de opido Edinburgh versus dictam ecclesiam collegiatae de Dunglas, xxiijil.; item vni capellano ad celebrandum missam quotidiam pro anima mea ad spacie vnius anni, xli.; item pauperibus secundum discretionem meorum executorum distribuendas, xli.; item fratribus minoribus xls.; item fratribus ordinis Predicantum, xls.; item curato de Edinburgh, xs.; item facio et constituo meos executoris, videlicet, Margaretam Lawder sponsam meam et Alexandrum Hume filium meum, necon circumspектum virum Alexandrum Hume tutorem de Wedderburne eis superiorem, ut ipsi disponent pro salute
anime mee prout coram summo judice desuper respondere voluerunt in
die judicij. (Signed) Ita est David Young, curatus de Edinburght.

Indorsed is the confirmation given in name of James (Beaton),
Archbishop of St. Andrews, in usual form. Dated at Edinburgh, 15th
March 1532–3. Only fragments remain of the seal of office which has
been impressed.

38. Deliverance by Sir Walter Ker of Cessfur, knight, bailie principal
of the regality of Kelso, as oversman, and other arbiters, in a question
between Mr. George Ker of Nether Howden and Robert Ker in
Newhall, as to "the mercheis betwix the landis of Cawers pertenyng to
Mr. George Ker and the Newhall pertening to Robert Ker at the partis
betwixt the Eurlaw haunch and Mid hawch of the Cawers and the
Erlaw know and the part of Mwry rig pertening Newhall." The
 arbiters decided that an exchange should be made of two pieces of land,
"that is to say, the Eurlaw hauch of the Cawers perteyning to
Mr. George Ker, lyand on the eist side of the place of Newhall, as it is
mercheit be the arbitouris and owman, sall be browkit wset and possedit
fra thinefurth be Robyn Ker and appropriat to his steid of Newhall as
ane part therof; for the qulik the sex riggis lyand on the west side of
the Mwry rig of the landis of Newhall pertening to Robert Ker, that is
to say, the sex riggis lyand betvix the carne of Mwry rig on the west
side and the small bawik on the eist side, merchit be the arbitouris and
owman, sall be browwikkit wset and possedit fra thinefurth be Mr.
George Ker and appropriat to his steid and lands of Cawers as ane
part and pertinance therof." Dated at Halydean, 2nd March 1557–8, and
signed "Walter off Ceford." Witnesses, Mark Ker in Kippitlaw,
Thomas Ker his son, and others.

39. Confirmed Testament and Inventory of goods of the late John
Cranstoun of Corsbie, made at Corsbie, 3rd March 1507 (sic, but read
1557–8). The goods consist of ploughing oxen, valued at 4 merks each,
cows at 40/ each, bullocks at 20/ each, sheep at 7/ each, oats at 10/
and barley at 14/ the boll, the whole amount, with the debts due to the
deceased, being valued at £33 18s. 8d. The terms of the testament
are very similar to that quoted in No. 37 supra. The testator leaves
his soul to God and the Virgin, and his body to be buried in his aisle of
the parish church of Legerwood (Berwickshire). He gives 20 merks to
a priest to pray for his soul in the said aisle, to the poor two bolls of
meal, and the rest of his goods he bequeaths to his two daughters
equally between them, appointing as executors Elizabeth Swinton his
wife and Stephen Cranston his son. Confirmation given by John
(Hamilton), Archbishop of St. Andrews, at Edinburgh, 18th November
1558. Seal affixed.

40. Lease by Mary, Queen Dowager and Regent of Scotland, with
consent of Mr. Robert Richartson, "yconimus" of the Abbey of
Melrose, granting and letting to Sir Hugh Campbell of Loudon, knight,
sheriff of Ayr, his heirs &c., the fruits of the kirk of Mauchline,
parsonage and vicarage, and the teind sheaves of the eight score merk
land of Kylesmure and Barmure with the small offerings; also the
annual rents in the burghs of Ayr and Glasgow, with the rents of
the Walsched and Monkhill, the place of Mauchline, the mills of
Kylesmure, namely, Katherine mill, Dalsangane mill, Mylnburn mill,
and the corn mill and Walk mill of Hauch, also the steadings of Over
and Nether Walwood, Blairkip and Blairmalloch, and the use of the
rents &c. within the eight score merk land named belonging to the

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Abbey of Melrose, at present in the Queen's hand, and to endure while the Abbey is in the hands of the Crown or the "yconimus," and until an abbot or commendator is appointed, with power to grant leases for five years, and other privileges, to be held for a yearly rental of one thousand merks payable quarterly. The Regent binds herself to procure for Sir Hew a nineteen years' lease from the new Abbot, at the same rental. Edinburgh, — — — 1559. Signed, "Marie R."

41. Discharge by Dame Jean Hay, daughter and heir of the deceased William (sixth) Earl of Erroll, who had received a grant from the late King James the Fifth of the ward of the lands and annual rents of the late Patrick Hay of Urye, with the marriage of his son and heir the deceased Alexander Hay, and of any other heir of Patrick; wherefore the granter having right, as heir to her father, to the marriage of William Hay of Urye (of Urie), also son and heir of Patrick, with consent of her husband Andrew, Master of Erroll, discharges the said William Hay of Urye of all her claims against him or his heirs. Dated at Gask, 23 March 1564. Signed, "Andro, Maister of Erroll," "Jene, Maistres of Erroll."

42. Receipt and Discharge by John Cockburn, one of the sheriff deputes of the sheriffdom of Berwick, in favour of Patrick Hume of Polwarth for the sum of 5L., in payment of castle wards, in name of the king and queen. Dated at Langton, 2 October 1565.

43. Precept directed by King James the Sixth to Patrick Howe, younger, of Polwart, his servitor and bailie of the regality of Bonkell, requiring him to pay to John Achesoun, the King's ordinary huntsman, the sum of 100L., or so much of it as he can presently get from the tenants of the barony of Bonkell out of their Whitsunday rents, and the sums owing by the tenants of the Mains of Bonkell and the Laird of Slechis houses. Holyroodhouse, 15 June 1593. Signed, "James R."

44. Precept by Andrew Ker of Faudonside, lord of the third part of the lordship of Dirleton, Haliburton and Hassington, and undoubted superior of the lands underwritten, directed to Alexander Brounfield, elder, in Hardaikers for infefting Nicholas Brunfield now of Hardaikers as nearest and lawful heir of his father the late Adam Brunfield of Hardaikers, in the lands called the East Mains of Hassington alias Hardaikers, with tower &c. in the earldom of March and sheriffdom of Berwick. Dated at Edinburgh, 10th April 1597. Signed, "Andrew Ker of Faudonsyd."

45. Agreement between Mr. Andrew Melville, Provost, Messrs. John Johnston and Patrick Mylne, principal masters of the New College of Saint Andrews for themselves and on behalf of the bursars and "remenant foundit persones" in the said college, on the one part, and Ninian McMorrane, burgess of Edinburgh, on the other part, to the effect that Ninian shall pay to the said Provost and masters the sum of 250 merks within eight days from the date, as "gersume" for which they shall give him a nineteen years lease of the eighth part of the lands of Kingsbarns "quhilk pertenit to vnquhile Johne McMorrane, his brother, and als of all and haill that vther swcht part of the saidis landis now pertenying to the said Niniane selff." Entry to be at Lammes next and the same rent to be paid as in the former lease. At St. Andrew's, 21 April 1599. Signed, "An. Melville, according to the generall, spoken be the foresaid," "M. J. Johnston," "Patrik Malvile" (designed Patrick Mylne in the text) and "Niniane Makmoran."
46. Order by Anna of Denmark, queen of King James the Sixth, for payment of wages to one of her servants, 1602. "Regina.—Master of our household, we greet you wele: It is our will and we command you that vpon the sicht heirof ye caus our seruitour, Thomas Barelay, our brodinstar, be ansuerit of his ordinar allowance and lewerny as offeris within our hous, that is to say, off two peices of meitt, four bread, ane quart all, half ane pund of candill daile in tyme cuming, and twa laidis of coillis oullkie, as ye will ansuer to ws thairvpon; qhellainert thir presentis salbe your warrant. Subseryuit with our hand at Dumfermling, the vi of November 1602. Anna R."

47. The following writ is of little importance in itself, but is interesting because of the names of the persons referred to. It is entitled "Articles of submission betuix Robert Logane, sone and air of vmquhill Robert Logane of Restalrig, and ane nobill and potent Lord Alexander, erle of Home, &c., taking burding for him, and the renumant his brother and sisteris and their tutoris and curatoris on that ane part, and Marion Ker relict of the said vmquhill Robert on the other part." The arbiters chosen were William Arnot, Jasper Home, William Lauder, and Robert Logane, bailie, or any three or two of them, for Robert Logan, and Sir John Arnot, treasurer depute, Gavin Home of Johnscleuch, Mr. William Hay of Barro, and Andrew Ker of Newbottle, for Marion Ker. The parties make submission and give powers to the arbiters in the usual form, the questions in dispute not being stated. "Subseryvit at Douglas the fyft day of August 1606, witnes Schir Andro Ker, younger, of Farnyherst, Schir Patrik Home of Polwart, Mr. Thomas Ogiluy and John Home, notar, writar heirof." Signed, "Mareown Ker," "Æ. Home," "Robert Logane," "Andro Ker, vitnes." "S. P. Home, uitnes." "Mr. Thomas Ogiluy, witness."

48. Receipt by Sir John Skene of Curriehill, as follows:—"I, Schir John Skene of Curriehill, knicht, grantis me to haif ressanit fra the handis of Schir Patrik Home of Polwart, knicht, the sowme of ten pundis money, and that for his part of the taxatioun grantit be the estaitis for the imprenting of the auld lawis, be thir presentis subseryuit with my hand at Edinburgh, the third day of Merche, the yeir of God ane thousand six hundreth and nyne yeiris. Sf John Skene, wI my hand."


At Cassiltoun the the yeir off God 1623. It is shewn to the most Reverend Father in God, Malcolm, by the providence off the Almichtie Lord Archbishop off Caschell, primatt and metropolitane of Irelant, his Grace, Schir Johnn Dumbar, knicht, with divers other gentlemen off worth and quality in the countrie off Fermanagh, barronie of Machribie and realme of Irelant, thatt it is the will and ordinance off the ryght honorabill lords off the counsell off Scotland that George Hume of Drumkose, esquier, vncl to the Laird off Polluart, should schew wanno their lordschipps are sufficient testificat off such dewties as the said George Hume has performed in planting of his launds in Irelant according to the King his ordinance off ane thousand accers off laund, and thatt for the clearing off ane action whiche the said George Hume had depending befor the said lords off the counsell off Scotland, into the whiche matter the foresaid most Reverend Father in God, Malcolm, Lord Archbishopp off Caschell, Schir Johnne Dumbarr, knicht, with divers wthers sufficient gentlemen off the countrie of Fermanagh and
barrony off Machribuie in the realme of Irelaund, by thir presentes
will declair the verie treuth, whiche we doe perfyttlie and clearly
understaund, as follows:- First we know that the foirsaid George
Hume, esquier, hes planted all his thousand acceres off laund with trew
honest Scottish men off full-number, thatt he hes buildit his bauund and
hous and hes so manie freeholders, leaseholders, and koppeholders as
the king his Majesties will wes should be vpon such ane proportioine
and moe then he is bund to have; and thatt he hes no Irische vpoune
anie paire or parcell of his laund nether ever did sett them one accer
from the beginning off the plantatione, and hes not onlie bestowed
laund vpoun his owne tenantes thatt are wnder him, bott hes geven to
every one off thame abundanctlie off his owne geir bothe off kowis and
horses, and such other thingis as they stood in need off free gratis off
his owne liberall mynd and gude will whech he had to theare standing.
So thatt in althings he hes done according to the king his ordinance in
all poynets bothe honestlie and nobillie to his great commendatione;
as also he hes payed the kings rentt verie dewily everie half yeare since
the first beginning of the plantatione, and is nott awaund one penie
thereoff as his dischairs will schew, so thatt there are many men in
Irelaund thatt hes five thousand accers off laund thatt hes nott bestowed
so liberallie vpoun there tenantes as he hes done, so thatt, by his liberalitie
to thame they ar all in gud estate. So thatt this gentleman hes been
the helper off many poore ones, and his delight is aways, in men and
horses, to serve the king to the gud example off others where he dwells;
so thatt iff we should say any wtherways, we should speak against the
trewth and against conscience, seeing al the whole countrey where he is
doeth so clearly know this whiche we have spoken, thatt doeth know
this gentleman, and those presentes we have subscryved with our haunds,
day, yeir, and place foirsaid. Mal. Caschelei, Jo Dunbar, William
Cathcart of Bardarooche, Robert Weir of Tillymergy, Wil Hamiltone,
servitor to me lord Archbishops of Cashell, James Arnott of Cartin-
doray, Jacobus Owings from Carik.

[There is also another certificate to the same effect by Sir John Dunbar,
Robert Weir of Tullymargie and Gabriel Cunningham. They certify
that George Hume “hath performed all such conditiones as was injoyed
for ane undertaker to do for the plantatione of ane thousand aikeres of
land called the small proportione of Drumchose,” that, “as men who
heth beine into the said barronye and countye sence the first tyme of
the plantationes,” they declare that he has planted his lands “with honest
true Britishe men . . . and heth not retained anye Irishe upon the
saides landes, as it was found bye ane jurnye of the cuntreye in presence
of his Maiestyes commisioneres derect for that effect, and that the said
George Hoomc heth beine verie oft resident in persone according to
the articles of plantatione in all poynettes.” Dated at Dunbar (in Irelaund),
20th May 1624.]

50. Acknowledgment by Captain Thomas Hamilton (of Preston) that
Sir William Dick of Braid, knight, delivered to him “conform to the
committee of estates their act and order for his lands off Northberik
and Heuch, thrie troupers men and hors sufficiently armed, tegidder
with the sowm off threttie twa pond twa 3, monyis, which was for the
first levi ; and whairfore thir presentes shall be his warrand. In name
off the said committee off estates. Witness my hand at Prestounie, the
tuelf day off Julij, anno 1645 yeirs. The names of the thrie trouperis
ware James Ker, Robert Walker and George Thomasoune, all in my
troup. T. Hâmiltone.”
51. A petition addressed to the Commissioners appointed for administration of justice to the people in Scotland, by the gentlemen heritors of the shire of Berwick, to the effect, “That whereas Mr. George Home of Kimmergaeame, one of our number, having been sent in to Edinburgh in April 1644, with other five gentlemen from the committee of our shire, for arms to them out of the publick magazen, and the said other five gentlemen and he having given hand to Thomas Hamilton, then depute to the generall of artillery, for the use of the publick in name of our shire for the prices of the said armes, they being received be the then Commissioner of the shire and therafter att several times distribut there,” and that these gentlemen had been forced in 1650 to enter into a bond for the price of the armes as for borrowed money, in consequence of which, besides other troubles, George Hume had been imprisoned for six weeks in the Tolbooth of Edinburgh at the instance of Alexander Smith, holder of the bond, the petitioners beg the Commissioners to interpose their authority to enforce payment of the expense of the armes in the shire and so to relieve Hume. Signed by William Cokburne and fifteen other gentlemen. Indorsed, “20th Januarij 1654.”

52. Commission by John Earl of Loudoun to Sir Hugh Campbell of Cessnock and others, to deal on his behalf with General Monck. “I, John Earle of Loudoun, doe by thes presents give full power and commission to Sir Hugh Campbell of Cessnock, Sir James Campbell of Lawers, and the Laird of Gathgirth, joyntly and severally for me and on my behalf, to treat, agree, and conclude with the Right Honourable General Monck, Commander in Cheif of the forces in Scotland, for settling and making of my peace and what security shall be given for my peaceable deportment; lykas I doe oblige me to hold firme and stable the agreement shall be made by my commissioners aforesaid on my behalf. In testimony whereof I have subscrib’d thes presents, at Carrick, the 28th day of February 1655, before thes witnesses, James Campbell of Clachick and John Karr, my servant.” Signed by “Loudoun” and the witnesses.

53. Certificate in favour of John Gilmour, as follows: “These are testifying that John Gilmour in Polvaith has enacted himselfe not to carry armes against his Majestie or his authoritie conform to his Majestie’s proclamation dattted the 29th of Jully. Given wnder our hand att Findlastoune, the first of October, in the seventeenth nine yeares.” Signed, “Glencairne.”

54. Warrant by the Parliament for summoning witnesses in support of a petition presented by Margaret Countess of Loudoun on behalf of her husband, James Earl of Loudoun, who was accused of treason. Edinburgh, 8th May 1685.

55. Obligation as to cattle taken for the army, 1696. “I, Sir Roger Hog of Harcars, binds and obliges me to make forthcoming to my Lord Polwart two geldings, on of them black with a whyt spott in his forhead and on of them of lesser seiz with a snip down the face and som whyt feett, and that whensoever his Lordship shall call for them, and that under what penalties the law hes injoynd, which horses wer taken some days agoe frome me by Liv’t Scot by order of Shir Thomas Livingstoun. In witness whereof I have written and subscrib’d this presents with my hand at Harcars, the twentie of March, in the seventeenth nyntie sex yeares.” Signed, “Roger Hog.”

56. Extract Act of the Privy Council of Scotland, narrating the terms of a petition to them by “Isabell Countes of Morstein, married y 78289.
to Casimeir Prince of Cztouriskie, Duke of Clevan, of the family of Jagletoune in Poland, sheuing that Andrew Earle of Morstein, great thesaurer of Poland, the petitioner's father, was married to Lady Catharine Gordon, daughter to George Marques of Huntley, and of his wyfe Lady Anna Campbell, sister-germane to the Marques of Argyll; and wheras one of the petitioneris sones and she are to obteine a birth breve as to their descent in Poland, but the petitioneris motheris genalogie being only propper to be obtained under the great seall of Scotland which is easily found of these tuo noble families of Huntley and Argyll;" the Lords of Council direct the Chancellor, &c., to prepare a birth breve in favour of Lady Catharine Gordon, in terms of a former birth breve of 21st August 1687, and recommend the great seall to be appended, and blazons of arms to be furnished by the heralds "to the end the nobility of the said Isabella Countes of Morstein may appear in foraign countrieys whe she is placed." Edinburgh, 6th March 1700.

4. Papers relating to the Berwickeir families of Spens, Wolff, and Trotter, 1514—1600.

57. Charter by David Spens, rector of Flik, and of the University of St. Andrews, granting to John Spens, student in the College of St. Andrews, his heirs and assignees, the lands of Marston in the sheriffdom of Fife and constabulary of Crail; to be held of the King in fee and heritage for the services due and wont. Dated at St. Andrews, 20th June 1514. Thomas Spens, son and heir apparent of Thomas Spens of Condye, and others, witnesses. Signed, "Dauid Spens, rector de Flysk, and Steandr, manu pp." 

58. Decree pronounced by James Earl of Morton, George Abbot of Holyrood, Robert Abbot of Paisley, Patrick Abbot of Cambuskenneth, Patrick, Lord Lindsay of Byres, Mr. Gavin Dunbar, Archdean of St. Andrew's, Clerk of Register, Mr. Robert Forman, Dean of Glasgow, Master Thomas Halkerston, Provost of Crichton, Master Patrick Coventry, Dean of Restalrig, Sir Patrick Crichton of Cranstoun Riddell, knight, and Mr. Adam Otterburn of Wester Hailes, Lords of Council, in the action at the instance of John Wolf of Waldely, Elizabeth Manderstoun, his mother, William Litster, George Grlenlaw, Andrew Sanderson, John Young, and Thomas Scott, against Peter Spens of Hardens, James Spens and William Spens his brothers, for spoliation. The Lords decreed the defenders to restore and deliver again "to the said Johnne Wolf thir gudis vnderwritin, or the prcis therof, that is to say: In the first xxiiiij oxin, price of the pece xls.; five scor of wedderis, price of the pece vijs.; one qhite horse, price xi merkis; one gray horse, price xxi. ; thre thyr horse, price of the pece, vjl.; twa saddillis, price of the pece, xxs.; four speris, price xxs.; twa tawahandit axis, price xiiis. iiiijd.; one goun of rowane russate lynit with blak lambskynis, price xli.; one blak gynve, price vjl.; twa pair of hoise, price xxvij.; one doublate of worset, price li.; one doublat of fustiane, price xs.; the sorwe of xiiijd. of cunzeit money; one coit of Franche camny, price iiiijd.; one cote of violet brown, price iiiij merkis; one meslyn basyn, price xiiis.; one gardrope, price iiij.; thre brasin pottis, price iiijd.; sex new sekkis, price xvij.; four pair of sechetis, price xls.; twa coveringis of beldis, price xxs.; five siluir spvnis, price of the pece, xvij.; four peudir platis, price xij.; viij peudir dischis, price xij.; five brasyn chandlaris, price of the pece ourheid ds.; one mart of salt beiff, price xxs.; thre stonis of butter, price xvs.; ten gallouns of aile, price xijis. iiiijd.; thre stiele bonettis, with thre grene
cappis, price xxviijs.; thre pair of splenitis, price xlijs.; thre serkis, price xxx.; twa towellsis, price iiijs.; twa burdclathis, price ixz.; twa pair of butis, price jxs.; twa pair of spurris, price igs.; ane hatt, ane bonett, price xiijs.; four new callit ky, price of the pce, xxxixjs.; xiiij yung nolt, price of the pce, xvijs.; and furth of Nether Waldaly four seoir yowis, price of the pce, viis.; five seoir weddiris, price of the pce, viij.; xxx gymnmyr and dynmontis, price of the pce, iiij.; five oxin, price of the pce, xlv.; five ky with thair callis, price of the pce, xxxijs.; thre yung nolt, price of the pce, xvijjs.; spulzeit and takin be thame fra the said Johanne Wolf, furth of Pincartoun and Waldalie; and in likewise fra William Litstar, furth of Onir Waldaly, of twa oxin, price of the pce, xlv.; ane yung ox, price xxx.; xxviiij yowis, price of the pce, vijs.; xiiij wedderis, price of the pce, viij.; xiiij gymmyr is and dynmontis, price of the pce, iiijs." Letters were to be issued to compel restitution. Extract decree, signed "Gawinus Dunbar," and dated 24th January 1516-17. A note is added, that "The hauill sovm abown writing opentyt befor the lordis is v° merkis, ij merkis, and xlv. les."

59. Letters addressed by the official of St. Andrews, within the archdeaconry of Lothian, to the curates of the churches of Dunbar, Innerwick, Polwarth, or to any other chaplain, requiring them to cite lawfully certain persons named; to give testimony before the official in the church of St. Giles, Edinburgh, on 30th March instant, in an undecided action pending between Alexander Hume of Polwarth, pursuer, and John Wolff of Waldely, defender, and that under pain of excommunication; also requiring them to cite John Wolff to the same place and date. Dated at Edinburgh, 21st March 1524-25. Executions of citations added, dated 25th and 26th March, by Thomas Jhonson, curate of the parish of Innerwick, Alexander Ogyll, chaplain, and George Fourhouse, chaplain.

60. Sentence of divorce pronounced by William Wawane, licentiate in decreets, canon of Aberdeen, and official of St. Andrews, in the Archdeanry of Lothian, judge in a matrimonial cause pending between Alexander Hume, son and apparent heir of Patrick Hume of Polwarth, knight, pursuer, and Elizabeth Wardlaw, defender, decerning and declaring "alias de facto et non de jure inter dictos Alexander et Elizabet contractos ab inicio fuisse et esse nulla et invalida, ex et pro eo quod ante contractum dictorum sponsaliorum quidem Patricius Dunbar de Kynhunquhar (Kileonquhar) ipsam Elizabet carnaliter cognouit, quiquidem Alexander et Patricius inuicem attingunt in quarto et quarto gradibus consanguinitatis ex una latere neconon in secundo et secundo gradibus consanguinitatis ex alia latere, proterea dictos Alexandrum et Elizabet abnuicem separandos fore et separamus, et quicquid alteri dedicerit causa dotis seu donacionis propter nuptias restituendum fore decernimus," &c. Extract, dated Edinburgh, 8th October 1526. Seal wanting.

in Chirnside, Robert Watson there, William Hume in Edingtoun, and Adam Craik in Winshields, who being sworn, declared that Richard Spens was the nearest and lawful heir of his father, the late Richard Spens, in the lands of Hardens in the sheriffdom of Berwick; and that he was of lawful age by virtue of a decree of the late King James Fifth and his Council at Edinburgh, 19th October 1542, in favour of the heirs of those who were slain or wounded in the defence of the kingdom against the English, that they should have their ward, and other crown casualties free, dispensing also with their minority; that the lands were valued at 10 merks, and were in the hands of the Queen by the death of the late Richard Spens, who died on 10th November last by infirmity contracted in the army of the late King. Dated 10th July 1543.

62. Copy summons in the action at the instance of John Wolff of Waldelie, son and heir of the late Thomas Wolff of Waldelie, son and heir of the late John Wolff of Waldelie, and his curators, Alexander Cokburn of that Ilk and John Lyle of Stanipeth, against Patrick Hume of Polwarth, son and heir to the late Alexander Hume of Polwarth, Jasper Graden, son and heir of the late John Graden, son and heir of the late Alexander Graden in Langrig, and Bartilmo Spens, successor to the late Peter Spens of Hardens, requiring them to produce before the Lords of Council certain writs of the lands of Hardens in the lordship of Hardens and sheriffdom of Berwick, including grants to the deceased Alexander Hume and Jasper Graden about 1516, when the lands were occupied by the late Margaret Wood, widow of the late James Spens. Given under the signet at Edinburgh, 24th January [1558].

63. Extract decree pronounced by John Cockburn (of Langton), one of the sheriff deputes of the shire of Berwick, in an action of removing at the instance of John Wolff of Waldelie, owner of four husband lands of Hardens-under-the-burn, in said shire, requiring Richard Spens, son and heir of the late Bartilmo Spens in Chirnside, Ellen Hume, his mother, and Alexander Spens his tutor and curator, to remove themselves from these lands. The defenders were cited but did not appear, and they were found guilty of violent occupation and ordered to remove. Done in the sheriff court of Berwick, held at Langton, 4th July 1560.

64. Notary's copy of a contract between Thomas Trotter in Netherhall of Sisterpeth, and Thomas Trotter, his son and apparent heir, on the one part, and John Trotter in Fogo, for himself and his daughter Nicholas Trotter, on the other part, to the effect that Thomas Trotter, younger, shall marry the said Nicolas within twenty days, and shall infeft her in his lands of Flourishwalls within 24 hours after he gets possession, with other provisions relating to Craks Croft, Sisterpeth mill, &c. The dowry given was 320 merks. Dated at Thirlstane (in Lauderdale), 20th November 1564.

65. Extract decree of the Lords of Council, regarding the term assigned by them to Mr. John Spens of Condie and Mr. Robert Crichton of Eliok, advocates, also to Richard Spens, son and heir of the late Bartilmo Spens of Chirnside-mains, who had received a gift from King James the Fifth of the non-entry and other duties of the lands of Hardens, in the King's hands by reduction of the process apprising the same from the late Peter Spens, father of the late Bartilmo; also to
Alexander Spens, tutor of Richard; against Beatrix Lyle, widow of the late Thomas Wolff of Waldelie, conjunct fiar of the lands, and John Wolff their son and apparent heir, for proving the yearly value and rental of "all and haill four pund land and one aucht part and one half auchtten part of one half pund land of the said ten pund land of Hardanis," for forty years preceding 22nd December 1566. The lords liquidated the yearly rental of each pound land at six merks yearly for the forty years. Dated at Edinburgh, 21st March 1566–67.

66. Notarial Instrument narrating that Richard Spens of Hardens, with consent of Alexander Spens in Chirnside, his father's brother and his curator, on the one part, and Jasper Gradens in the Crais and Elizabeth Brownfield, relict of the late Jasper Gradens of Lanrigg, for themselves, and for John Gradens, son and heir of the deceased Jasper, on the other part, all agree that the sum of 80 merks Scots, with the lease by the said Richard to the said John and Jasper for nineteen years of the lands of Cotrig in the parish of Greenlaw and shire of Berwick, shall be consigned in the hands of John Hume, brother-german to David Hume of Ninewells, for redemption of the lands of Cotrig from the Gradens. Dated at Langton, 19th February 1573–74. Witnesses, David Home of Ninewells, John Brownfield in Tenandrie, and Stephen Brownfield in Whiteside.

67. Copy of Narration by James Cockburn of Langton, knight, sheriff of Berwick, of proceedings relating to the apprising of the four pound lands, &c., described in No. 65 supra. Inter alia, he states that a jury was cited on 21st April 1573, for apprising the lands, whose names were Alexander Haitlie of Lamden, Thomas Ramsay of Wyliecleuch, James Cockburn, Chouslie, John Haitlie of Brownhills, William Craw in Swinton, James Craw in Swynwood, Robert Anderson in Kello, Alexander Home in Coldinghame, Thomas Gray in Haymont, Adam Brownfield of Hardakers, Robert Huldie in Aytoun, John Cockburn in (illegible), Arthur Manderstoun in Duns, William Trotter in Ryislaw, and Simon Dalgleish in Ramrig. The jury postponed their decision. On 13th April 1575, the same jurors were cited and met, except Thomas Gray in Haymont, deceased, in whose place was chosen John Gray in Haymont, and William Trotter in Ryislaw, for whom was chosen George Haitlie in Hordlaw. The jury held that at the rate of six merks for each pound land, the value of the rents for the forty years of non-entry was 982 merks 6/8. The sheriff then offered the lands for that sum to John Wolf of Waldelie and Beatrix Lyle, and as they and others did not buy, he assigned the lands to Richard Spens. Dated Edinburgh, 8th July 1575.

68. Agreement between Thomas Trotter of the Netherhall of Sisterpeth on the one part, and James Trotter in Fogo, brother-german and heir of the late John Trotter, on the other part, for fulfilling a contract between Thomas Trotter, with consent of the late Marion Choiswood, his spouse, and the late John Trotter, as to the lands of Flourishwalls in the shire of Berwick. At Langtoun, 20th March 1596–97.

69. Copy letters under the signet of King James the Sixth requiring Patrick Hume of Polwarth, as principal, Sir George Hume of Spott, Alexander Hamilton of Innerwick, and Robert Swynton of that Ilk, his cautioners, to pay to Thomas Wolff of Waldelie the sum of 3,000 merks, as contained in a disposition by Wolff in favour of Patrick Hume and Julian Ker his wife in conjunct fee, of the lands of Hardens, dated 18th and 19th December 1598. Letters dated 11th June 1600.
5. Discharges and other Writs by Abbots and Commendators and other Ecclesiastics shortly before and after the Reformation, 1524—1643.

70. Tack by Thomas Ker, Abbot of Kelso, of the teind sheaves of Merdeyne (Moordeen), 10 November 1524.

Be it kend till all men be thir present letteris, ws, Thomas, Abbot of Kelso, to [have] set and lattyn, and be thir present letterres, settis and lattis to our broder, Rawf Ker, his wyff and barnis, all and haill our teyndschewylls of the landis of the Ester Merdeyne, quhilk David Ormistoun hes, for all the dayis of our lyff, and grantis ws content and pait of the said teindis indurand the tyme of our lyff; for the quhilk he hes gyffyn tyll our dispocioun all the Brwmyis exceptand Meilimestis landis. In witnis heroff we ha subscribit this wyght our hand and wnder our sygnet at Kelso, the ten day of November the yeire of God mvxxiiij yeris, befir thir witnes, Master George Ker, Provost of Dunglas, Master Richart Richartsoun, Master Richart Ker, wyght other diuurse.—Thomas, Abbot off Kelso. [Fragment of seal defaced.]

71. Monition by George [Crichton], Bishop of Dunkeld, directed to the curate of the parochial church of Dow (Dull in Perthshire), directing him, in virtue of holy obedience and under pain of suspension a divinis, to warn and charge all the parishioners, husbandmen, and inhabitants of Dow, from whom teinds, fruits, &c., were wont to be uplifted, henceforth and in future to pay their teinds, fruits, rents, obventions, encomiums, and globes pertaining to the vicarage of Dow to a religious father and lord, John Wynram, sub-prior of the priory of St. Andrews, as true and undoubted vicar of the said parish church of Dow, under pain of the major excommunication; and forbidding all persons, save the said John Wynram, his factors, or persons having commissions from him, to meddle with the said teinds; and, after the third and canonical monition, to denounce the disobeyers as excommunicated in the said parish church, whenever the greater multitude were assembled to hear divine worship, and not to cease till further commands should be given by the bishop. Given under seal of office at Edinburght, 25 June 1539. [Seal affixed, but almost entirely defaced.] A certification is added by Schir David Myllar, curate of Dow, that on the 9 July he warned the parishioners according to the tenor of the above precept. Witnesses, Thomas Stewart of Gartwe [Grandtully], Gregor Dugalsoun, and others. [After the Reformation, John Wynram, in whose favour the above monition is granted, became Superintendent of Fife, being one of the five Superintendents under whom Scotland was divided.]

72. Contemporary extract from the books of the Commissaries of Kelso by William Ormistoun, scribe, bearing that on the 11 July 1550, James Hoppryngyll (or Pringle) in Howdene, and Adam Palmar in Kelso, of their own proper confessions, were admonished, under the pain of excommunication, to pay to Mr. George Ker, in Caners, and his heirs, the sum of £40 Scots for the teind sheaves of Howdene, in the parish of Maxwell, of the years foresaid at certain terms assigned, the last payment of £20 to be made at Martinmas 1551; they shall also give to the said George Ker, with favour and "kyndnes," the teind sheaves of the "steding" of Howdene; and Hoppryngyll is further admonished to relieve Adam Palmar from the foresaid sum. Done in the Chapter-house of the Monastery of Kelso.

73. Receipt by Adam Chatto, sub-prior of Kelso, for the teinds of Wodheid, and relaxation of Alexander Hume, younger, from the sentence of excommunication.

At Kelso, the viij° day of Junij in the yeir of God i°v°e fifty-twa yeiris, we, Suppiriour of Kelso, grantis ws to haue ressault fra George Storye, in name and behalf of Patrik Hwme of Polwart, for the teyndis of the Wodheid, to gud compt of the yeiris of God i°v°e xliij and xliij yeiris sex lib of gud and usual monye of Scotland, wythout preindice of my lord commendator, his doaris and chalmerlannis for the tyne. In witnes hereof we have subscribit this acquitains wytht our hand at Kelso day and yeir abone exprimit, before thi witnes, Riche Fynlay, Johnne Kyng, and Schir Alexander Gybsoun, preist, wytht vtheoris diuers. Deñ Adam Chatto, Supp’or of Kelso.

Domine curate de Polwart, salutem. Tenore presentiam committimus vobis potestatem absoluendi in forma ecclesie Alexandrum Hwme, iuniorem, et Jacobum Hasty, a sententia excommunicationis quam alias incurrabant ad instantiam Domini Jacobi commendatarii de Kelso et Melros propter non solutionem summe vj'lib. ad bonum comptum pro decemis de Wodheid de annis Domini, &c., xliij et xliij et hoc simpliciter. Datum apud Kelso, die vij° mensis Junij, sub nostra subscriptione manuiali anno Domini, &c., lvij. Deñ Adam Chatto, Supp’or of Kelso.

74. Discharge by Sir Thomas Hutson, Prebendar of Dunglas, to "Patrik Hwme, of Pollert, yonger," of the sum of xls. Scots for the lands and pertinents of the Channonbank for the Martinmas term of the year of God one thousand vi°lxxviii, "in compleit payment of all yeiris and termes bypass on to this hour." Witnesses, Sir Wilyem Colvin, Patrik Hutson, Gespard Colling, and others. Signed, "Syr Thomas Howtson wt hand." Dated 20th December 1568.

75. Assignation of the third of the Priorie of Sanctandrois.

Third of the money thairof, viij'e xlv'li. xix's. iiijd., 3d.

Tak.

The kirk of Migbie and Tarlane, lx'li.
The kirk of Dull, in Atholl, lxxx'iiij'li. vjs. viijd.
The kirk of Fowllis, in Govrie, xlii.
The kirk of Lythgw, ij'e xlv'j'li. xiijs. iiijd.
The teindis of Westir Binning, xli.
[The] small teindis of Lythgw, [torn].
The teindis of Prestoun, xliii.
The teindis of Hadingtoun, ij'e xvj'li. xiijs. iiijd.
The teindis of Clerkingtoun, vjl. xiijs. iiijd.
And out of the annuellis of the toun of Lythgw, xjs. viijd.

Eque, eque, eque.

Quheit.

Third of the quheit, xij chalders, xj bollis, j tirlotis, 3 part pect.

Tak.

Out of the kirk of Lucheris, viij ch. vj b.
Out of the kirk of Forgund, in Fyiff, x b.
Tak the rest out of the kirk of Sanct Androis gevand yeirlie, vi ch. x b. ij fr's.
Beir.
Third of the beir, xliij ch. ij b. j fris, half pct, 3 part p.

Tak.
The beir of Sanct Androis kirk for xxvij ch. viij b. 1 fris.
And the beir of the kirkis of Lucheris, xxliij ch. ij fris; Gifin, vij ch. iij b. 1 fris, ij pct, 2 part hal[f] pct.

Meill.
Third of the meill, xxxvij ch. j b., 3 part pct.

Tak.
The kirk of Lauthrisk for xx ch. j b.
The kirk of Markinsche for xxv ch. ij b; Gifin, vj ch. xv b. iij fris, iij pct, 2 part pct.

Aittis.
Third of the aittis, 1 ch. viij b. iij fris, half pect and 3 part half pect.

Tak thir Aittis.
Out of the kirk of Sanct Androis, payand yeirlie, lvij ch. j fris, ij pct; Gifin, vj ch. vij b. ij fris, j pct, 3 part half pct.

Peis and Benis.
Third of the peis and benis, j ch. ij b. j fris, j pct, 3 part pct.

Tak.
Out of Sanct Androis Kirk, gevand iij ch. iij b. Omittit, canis, caponis and all vther dewteis.

[The above account of the thirds of St. Andrew's Priory is contained in a fragment of one leaf and a half, with the word "Assumsione" written on the margin. The date must be set down as between 1560 and 1600. The writ is in the handwriting of that period.]

76. Discharge by John Frost, Prebendary of "Strayfontanis," to Patrick Home, of Reidbrayis, of the sum of 40s Scots, being the dues of the prebendary, "aught be him as for the male of the Channonbank occupyit be the said Patrik," for the term of last Martinmas. Dated 1574. Signed by "Agnes Lade Howm." [Strayfontanis, otherwise Three Fountains, was a small nunnery situated among the Lammermoors. It is said to have been founded by King David I.]

77. Four Discharges by "Master Willzem Schaw," Provost of Abernethy.

(1.) I, Master Willzem Schaw, Provost of Abernethe, grants me to have resawid fra Georde Story for the tend scheves of the Wodheid to cownt and raknyng vli. vsual mony of Schotland; of the quhilk some I had me well content, and paid and dischargis and quhit clemes the said George of the said some for nowe and for ever, by this my aquestence subscrivid wytht my hand at Grynlaw the xxix day of Marche. Mais[v] Wäl Schaw, pvst of Abirny'fhy. [No date, circa 1560.]

(2.) Discharge to George Story, in name and behalf of "Patrik Howm of Ridbrayis," for 23 mers in part payment of teind silver as
contained in another acquittance agreed upon at Greenlaw of all terms bygone, viz., of the years lxix, lxj, lxij, lxiii, and lxiiiij. Dated at Greenlaw, 2 September 1565.

(3.) Discharge for £25 Scots for five years teinds of the lands of Wodheid to the said George Story for the laird of Redbraes. Dated at Hardanes, 24 May 1570.

(4.) Discharge to Robert Ankrum for £5 Scots for the teind sheaves of the lands of Wodheadis for the crop 1574. Hardens, 25 January 1574[5]. [All the discharges are signed as above.]

78. Three Discharges by John Baillie (natural son of Master Bernard Baillie, Parson of Lamington) to the Laird of Polwarth.

First.—Of the sum of £20 Scots for Whitsunday 1569 for a yearly pension which Baillie had obtained against him by decree. 10 June [1569].

Second.—Of £35 Scots in complete payment of the pension for all terms preceding, but not including Martinmas 1574 At Redbraes, 18 January 1574[5].

Third.—For £20 Scots of pension. Dated Redbraes, 10 May 1578.

79. Discharge by Alexander [Colville], Commendator of Culross, "economus" and administrator to James [Douglas], Commendator of Melrose, and John Douglas, Chamberlain of Melrose, to George Campbell of Cessnok, for 800 merks Scots as the composition and complete payment of grassum and entry of an infeftment of feufarm to be made by the Commendator of Melrose and his co-adjutor of the 40s. land in Quhythanach, 18s land of Over Auchmilling, 10s land in Auchinmonocle called Craithed, 30s land of Auchinbrane, the 30s land of Barboith, and other lands in the lordship of Kylismuir and sherifdom of Ayr, extending in all to a £7 and 4 penny worth of land of old extent, paying the maills and duties used and wont with vjs. viijd. of augmentation; the infeftment to be delivered to the grantee with all diligence. Edinburgh, March 1584. Witnesses, William Cwynghame of Caprington, Mongo Mure of Hallowit Chapell, and George Campbell, servitor to the Laird of Caprington. Signed, "Alex, Commendator of Culros, w't my hand," "Jo' Dowglas, Chalmerlane off Melrois, w't my hand."

80. Two Discharges by Alexander Fargy, Minister of the Kirk of Logie (near Stirling).

(1.) To "Patrik Hovme off Polwart, yongar," of the sum of £18 Scots in complete payment of the sum due him for serving the said kirk and for the crop and year of God 1576, referring also to another acquittance Fargy had given to Andro Hovme, Chamberlain of North Berwick, of the sum of £51 6s. 8d. Scots in complete payment of the stipend appointed to be paid to him. At Stirling, 4 December 1577. Signed, "Alexander Fargy, mis't of Logy, w't my hand."

(2.) Discharge by the same to Patrick Hume of Polwarth, tacksman of the teind sheaves of Logy, of the sum of £51 6s. 8d. in complete payment of his whole stipend out of the thirds of North Berwick for the crop and year of God 1591, acquitting Patrick Hume as tacksman and Dame Margaret Hume, prioress, and Alexander Hume, Goodman of North Berwick, for all years preceding the date hereof. Stirling, 20 February 1591[2].

81. Discharge by Robert Douglas, Provost of the College of Lincluden, 2 May 1593.

Be it kent till all men be thir present letteres, me, Maister Robert
Douglas, provest of Lincluden, collectour generall to our sourene lord, and donator to his Maiestie, in and to the escheit guidis of William earle of Angus, and at his Hienes desyre, to haif exonerit and dischargit be thir presentis Patrik Hume, younger, of Polwart, of all his intro-missioun with one pairt of the said earle's cornis, cattell, guidis or geir, in sa far as I haif richt therto as donator to the said escheit be thir presentis. Subscriuyt with my hand at Edinburgh, the second day of May the yeir of God mvi.xxxiij yeiris, befor thir witnessis, James Lord Lyndsay, Dawid Seton of Farbrothe, controlar. Lynclouden.

82. Two Discharges by Mr. Thomas Ogilvie, Provost of the Collegiate Church of Dunlas.

(1.) To the Laird of Redbrays for 1l. as payment of the bygone maills of the “Schanabank” since his entry in 1588. Dated at Dunlas, 9 March 1595[6].

(2.) To Sir Patrick Home of Polwart, knight, for all terms bygone since the decease of his father, Patrick Home, who deceased in the month of May 1599, for the lands of Kemmerghame mains and Bowshell, for the “minut vicarages and small tendis of the samyn.” 30 September 1605.

83. Precept of Sasine by Andrew Ker of Fawdounsyde, lord of the third part of the Lordship of Dirleton, Haliburton, and Hassingtoun, and superior of the third part of the lands underwritten. Whereby in virtue of a precept from Chancery directed to him, bearing that an inquest held before Adam Cobburne, sheriff depute of Berwick, had found that the late Adam Brunstfield of Hardaikeris, father of Nicolas Brunstfield, now of Hardaikeris, died last vested in the lands called the East Mains of Hassingtoun, alias Hardaikeris, with tower and manor-place of the same, the said Andrew Ker charges Alexander and Andrew Brounfeild in Hardaikeris to give sasine to the said Nicolas of the said lands of Hardaikeris. Dated at Edinburgh, 10 April 1597. Witnesses, Mr. William Knox in Edinburgh, and Mr. James Knox there. Signed, “Andro Ker of Fawdounsyd.” “Mr. Wm. Knox, witnes.” “Mr. James Knox, witnes.” [Andrew Ker of Fawdounside was the second husband of Dame Margaret Stewart, widow of John Knox, the Reformer. Mr. William Knox was son of William Knox, minister of Cockpen, and succeeded his father in the charge. Mr. James Knox, his brother, was a regent in the University of Edinburgh, and afterwards minister at Kelso. A third brother John became minister of Melrose. All the three were grand-nephews of John Knox, the Reformer.]

84. Discharges by Alexander Hume, Minister at Logie.

(1.) “I, Alexander Hume, minister at Lognie, grants me to have received from Patrik Hume of Polward, my father, the same of lvijij lib. money in compleit payment of my yeirlie stipend of the crope and yeir of God mvi of fourscoir auchtin; quhairof I hald me weill satisfied and payed, and dischargis my said father thairof as of al vther yeiris preceeding the dait heirof, be this my acquittance written and subscriuyt with my hand at Lognie, the ix day of Merche 1598. Alex Hume, preicher at Lognie.” [Alexander Hume was the second son of Patrick Hume of Polwarth, and was minister of the parish of Logie from 1597 till his death in 1609. He was author of various poems, among others a volume of “Hymes or Sacred Songs wherein the right use of Poesie may be espied,” Edinburgh 1599, which was reprinted for the Bannatyne Club in 1832. His poem of “The Day Estival” was
reprinted in Leyden's Scottish Descriptive Poems. He was also the author of various works in prose.]

(2.) Precept by Alexander Hume, minister at Logie, acknowledging that he had received from John Stirling the sum of £58 for the duty of the tuck of the teind sheaves of Logie assigned to him in stipend, £6 for the price of two bolls of meal and 50 merks money in name of pension according to a precept by Patrick Home of Polwart, tacksman of the teinds, discharging the said John Stirling thereof and the said "Patrik my brother." Stirling, 26 March 1600. Witnesses, "James Alexander, tutor of Menstrie," and others. Signed, Alex. Hume, Minister at Logie.

(3.) "Monsieur, please you give directions to deliver so much money as will furnish iij gallons of wine to the communion at our kirk, which is delayed upon the same occasion. The summe extendeth to xiiij lib. iij. s., for the wine is here at xjs. the pynt. This hoping ye will do with expedition according to custome, I commit you, your bedfellow and family, to the protection of God. At Stirling, the xiij of Maij 1609.

Yours duetifull, Alex. Hume.

"To the Right Honorable Sir Patrik Hume of Polwart."

Indorsed, "Logy, from Alex. for communion wine, 1609."

85. Testament and Latter Will of Mr. Alexander Home, Minister at Logie, in the shire of Stirling, who deceased in the month of December 1609; given up by himself at Edinburgh, 8 August 1609, before George Home, his brother-german, and other witnesses. Among his goods are " tua ky with their followaris, pryce of the pece, xxiij lib inde xlib. Item, ane yeli kow without ane followar, estimat to xxiij mark," . . . of "cunzet" gold and silver in his own hands, 700 merks; books estimated to 32611b 13s 4d. "Item, ane ring of gold with ane saiffer (sapphire) stone estimat to vij crowns, pryce of the crovne iiij lib. inde xxvij lib. ;" also a ring of raised work, ij lib.; a figure of gold of an ounce weight, xlib. The sum of the inventory amounted to 700/. No debts were owing by the dead, but among his debtors were Patrick Drummond of Currinachter for 300 merks of annual for the last Whitsunday's term; "my Lord of Dryburgh" for his stipend of the crop 1508, £6 13s. 4d.; the Lady Polwart and other executors of the Laird of Polwart for 70 merks. "Item, be the next intrait in his place to his wyf and bairnis four scour pundis qihilke he deburseth upon the manse, qihilke is allowit to him be the brethren of the prisbitrie. Item, mair be Robert Seyton, wickar of Logie, xlib." The sum of the debts due to him extends to £355 6s 8d. In his latter will he constitutes his wife, Marioun Duncansone, and children, Dina, Naomi, and Caleb Home, his only executors; his goods to be employed upon profit to them at the sight of William Alexander of Menstrie (afterwards first Earl of Stirling), Mr. Ninian Drummond, preacher at Dunblane, John Scherrar, burgess, and one of the bailies of Stirling, to whom he commits the government of his "wife and bairnis," by their good counsel; in case his said spouse deceased or married again, the commodity of his goods and gear to redound to every one of them pro rata; he nominates Marion Duncanson, his spouse, to be tutrix testamentary to his children, and in case of her decease or marriage, the said William Alexander and the others successively are to take the charge. "Item as to my buikis. I ordane thame to be sichtit and ane inventar maid of thame and comprise by my faithfull brother, Mr. John Gillaspie, minister at Alwethe, the said Mr. Ninian Drummond, and Mr. William Stirling, minister at the Port [of Menstrie], or any twa of thame, prouyding alwayis that none of thame be lent furth vpon qubitsumeur promeis as they will answer
to God; but that they be put in numerat money and employit to the well and use of my saids wyf and barnis." To his daughter Dina Home he leaves a sapphire set in gold valued at seven crowns; to Jonet Home, Lady Law, his sister, a piece "of gold of ane wyncoute cuzie," in remembrance of his good affection and he commits to her the upbringing and custody of his daughter Dina, "in cais sche can not be better with hir awin mother as the speiches war betuix me and hir," and when she received Dina, she was also to receive her portion. To his "gossope" John Scherrar he bequeathed a ring of gold of raised work "about ane angell wecht" in remembrance of his special love. To Mariunn Duncanson, his spouse, he left a great signet of an ounce weight of gold in remembrance of his love. "Item, I love to the richt honorabill the gudman of Menstri that buik callit 'Cornelius Agrippa' quhilk he hes of myne." To John Gillaspie, such one of his books as he should choose, and the same to Mr. Ninian. To his brother, the goodman of North Berwick, he leaves a piece of gold of strange "cunzie," in token of his good remembrance, and hope that he will be ane father to my childrein." To his brother George a piece of gold of an "uncoute cuzie," in token of his love, with a piece of silver that "was my father's taiken," and hope that he will be "ane brother and father" to his wife and children. He ordinis the obligation which he caused his daughter, the goodwife of Chesters, to subscribe before her marriage to be cancelled, the cancellation thereof to be her legacy. "I ordain the luit quhilk I haif in possessioun of the guidwyf of Menstrie be restorit to her againe, and the vthir musicall instrument quhilk I ressueit in legacie of wmquably Dauid Balfour of Powhous, and I leif it to his eldest sone my belouit freind, and the wther musicall instrument quhilk I haif, that Mr. Andro Young, minister of Dunblane, gif it to quhome he plesiss." He leaves his love and Christian affection and blessing "to the maist noble lady, Dame Marie Stewart, Countes of War, and to the eldri Lady Elizabeth Melvil, Ladie Comrie," He leaves his love and hearty affection to Mr. John Gillaspie, Mr. Ninian Drummond, and other brethren in the ministry "and all that lowis the Lord Jessus Cryst"; also to all his friends and kinsmen, whom he exhorts to be religious and true dealers. His will is subscribed "AL. Hume, minister of Logie, wth my hand," and is witnessed by George Home and others. The testament is confirmed by Robert Murray, commissary of Stirling, having power from George, bishop of Dunblane, to confirm testaments. At Stirling, 12 June 1610; and the testator's wife and children are confirmed as executors.

86. Five Discharges by David Lindsay, Bishop of Ross.

(1.) By Mr. David Lindesay, minister at Leith, to Ninian Makmoran, merchant and Burgess of Edinburgh, tackman of a quarter of the teind sheaves of the Kingisbarnis, pertaining to John Makmoran, acknowledging receipt of eight bolls beir and eight bolls meal for the lands occupied by William and David Lyell, and the same for the lands occupied by David Farmourar, for the crop 1599. Edinburgh, 12 March 1599 (1600), signed "Dauid Lyndesay, wth my hand."

(2.) By Mr. David Lindesay, Bishop of Ross, to Ninian Makmoran, Burgess of Edinburgh, for 24 bolls beir and 24 bolls meal, for the teinds of Kingisbarnis occupied by the said Ninian and others. Leith, 6 April 1602. Witnessed by Mr. David Lindesay, his son. Signed, "David Lindesay."

(3.) Discharge by Mr. David Lindesay, Bishop of Ross and pensioner of the teinds of the Kingisbarnis in Fife, to Ninian Makmoran, merchant Burgess of Edinburgh, acknowledging receipt of the price of 36 bolls victual, half beir, half meal, for the duty of the teind sheaves of that
part of the Kingsbarnis which pertains heritably to the said Ninian, and to Ninian Makmoran, younger, his brother's son, of the crop of 1603; also disposing to the said Ninian 40 bolls victual for the teind sheaves of that part of Kingsbarnis occupied by (blank) for the same year. Edinburgh, 14 February 1604. Signed, "Dauid Lyndesay," Foullertoun, fiar of Kynnahir is a witness.

(4.) By Mr. David Lyndesay, Bishop of Ross, to the same for 36 bolls beir and meal for the teinds of the lands of Kingsbarnis pertaining to the Bishop for 1608. Edinburgh, 8 February 1609. Signed, "Ross."

(5.) By Mr. Jeremie Lindsay in Leith, in name of his "faider, Mr. David Lindsay, Bishop of Ross," to David Gourlay in Leith for the sum of £106 13s 4d at command of Ninian Makmoran, merchant, burgess of Edinburgh, for the teind victual of that part of the Kingsbarnis occupied by David Fermorer, of which the said Ninian was tacksman. Leith, 19 June (no year). Signed, "Jeremie Lindsay." [The Mr. David Lindsay here named was chaplain to King James VI. on his voyage to Denmark, and performed the ceremony of marriage between the King and Princess Anna of that country.]

87. Three Discharges by Robert Lord Lindsay and John Lord Lindsay.

(1.) By Robert Lord Lindsay, principal tacksman of the teind sheaves and other teinds of the parish of Caraile (Crail), to Ninian Makmoran, younger, portioner of Kingsbarnes of £24 as for the price of 4 bolls wheat due yearly, and half a boll due by George Makmoran, his brother, with £3 for the small teinds for the crop 1610. Cowper (Cupar), 4 April 1611. Signed, "R. Lyndesay."

(2.) Another discharge by the same to the same for the crop 1612. At Cairnie, 26 January 1613.

(3.) By Norman Lindsay, Chamberlain to John Lord Lyndsay, to the same Ninian Macmoran for the crop 1625. Kingbairnes, 15 May 1626.

88. Certificates by ministers and elders in various parishes as required by law reporting the number of men between sixty and sixteen fit for military service.

(1.) By the ministers and elders of the Kirk Session of Ayr having taken trial according to the communion rolls and best information of the elders finding the number of men within the burgh and parish of Ayr between sixty and sixteen, blind and lame only excepted, to be 392, of whom there were at sea 62, "and of men from Ireland twenty four." Signed, T. Fergushill (minister of the first charge), and William Adair (minister of the second charge). No date, but circa 1643.

(2.) A similar Return by the minister, elders, and deacons of the Church Session of St. Quivox, certifying the number of men between 16 and 60 to be 66, "fyve millers and threttine coyllyeare." Signed W. Fullarton (minister) and by the Session (circa 1643).

(3.) A similar Return for the parish of Barnweill containing the names which amount to 62. Signed by R. Wallace (minister), and Session. Circa 1643.

(4.) A similar Return for the parish of Muirkirk with the names of persons, finding the number to be 145. Dated at Muirkirk the 9th October 1643, and attested by Mr. Johnne Reid, minister at Muirkirk, William Campbell of Glaisnok, Hew Campbell of Middill Welwod, Mungo Farquhar of Lishaw, Charles Duncan of Garpoll, and others.

89. Session Book of the parish of Polworth bearing the following inscription:—"This book was bestowed vpon the Session of Polworth by Dame Christian Hamilton, Lady of Polworth, in anno 1652." [Christian Hamilton, Lady Polworth, was the mother of Sir Patrick Home, first Earl of Marchmont.] A few of the entries in this book may be given as specimens of similar Kirk Session Records of the period:

"Annu subjugationis. At Polworth, February 1, 1652. Preached Mr. David Robertson, having entred to the charge of the ministerie at the said kirk vpon Weddnesday the 28 of Januarie 1652, and kept session. Collected 13s 10d. The minister enquired in the session if ther were any Bible for the publick service, any session-book, a box, a bason, cups, or cloathes for celebration of the sacrament, or any mortcloath? Elders answered that they had non of these since the time of plundering. Enquired also if they had any money for the poor? found 4lib 8s. Enquired if they had a schoolmaster? found they had on, but no maintenance for him excepting his quarter payments . . . . Ordains 20s to be given to Alison Lawrie, blind; and 20s to Walter Whitfield, unable to work by reason of his age—both parishineris."

February 29, 1652.

Elders reported that they knew non quho unnecesarlie absent themselves from the church, and promis to goe through the houses everie Sabboth and see them come forth to the church.

March 28, 1652.

Resolved that the minister should speake the lady and tutoris of Polwart anent the laird his ille (aisle), that the cope may be put vpon it, that it may be glazed and seats built therin with convenient diligence . . . . Patrick Jaffray and James Whithead exempted from collecting or visiting the parish be reason of ther age and infirmity. But finds that no new elders can be chosen or these receaved againe quho were removed for ther accession to the ingagment 1648; seing these quho are otherwise qualified for the place are uncapable by vertue of the actis of the Generall Assemblie excluding all from placis of trust in church or state, quho in any degree were accessorie to the forsaid ingagment . . . .

February 12, 1654.

The elderis complained that the scholleris played at football the last Sabboth, and with them boys of gritter age and stature. The minister undertook to cause the schoolmaster discharge his scholaris and to speake to the parentis of otheris quho were ther; otheris quho were ordained to be cited to the session the nixt day.

February 19, 1654.

The minister reported that the schoolmaster and parentis of these quho had profaned the Sabboth by playing at football had undertaken to restraine this abuse in time comming. And as others who had joined the scholars were found to be boys also, and professis sorrow for their fault, it was thought needless to bring them before the congregation, "so being rebuked and required to make conscience of sanctifying the Sabboth which they promis carefullie to doe, they were dismist."
May 29, 1661.

The anniversarie thanksgiving ordained by the Kingis Maiestie and his parliament to be keept, not only because the said day is the King his birthday but because thereon the King recovered his dignitie and soveraignitie and the poor oppressed subjectis ther liberty, was solemnized. Collected, 11s 2d.

The entries which are in the main similar to those of other Session records which contain notices of church discipline and pecuniary affairs break off at 10 May 1668, some pages being apparently wanting.

90. A small quarto volume containing exercises on French grammar; extracts from the Court of the Barony of Polwarth, dated in 1606 and 1607; extracts regarding the proverbs of Solomon, Hermes, Homer, Pythagoras, Plato, Aristotle and others; extracts from Cicero de Officinis, "The rentall of the landis and leuinge in the estait thai ar in this instant yeir of Gode 1603." The second half of the volume, however, has been utilized to contain a description of the arms of the nobility and gentry of Scotland, with the following heading:—

"The armes of the Kinges and potentatis as I had occaione to find them out, and also off the Scotis nobilitie, in the best order conforme to ther precedencie in anno Domini 1600; with the armes of the names and gentlemen's families sett doune alphabetically as I collected them out of three severall bookees off armorie, the most ancient I found in Scotland, and likewise out of the moderne bookees wherein the old wer deficient."

The hand-writing of the armorial portion of the MS. volume appears to be that of Sir Patrick Home, afterwards first Earl of Marchmont. He was very learned in the history of Scottish families.

It is impossible in this Report to advert seriatim to these coats of arms, but it is evident that they have been carefully described to the date, both in arms and mottoes. A specimen or two is subjoined:—

"Erle of Athole Stewart caries quarterly, 1st, paly of sex ore and sable by the name of Athole; 2nd, ore a fesse chequy argent and azure by the name of Stewart, &c., supported by two wilde men with clubes argent fettered together by the feet; the crest a hand holding a key argent; the motto, "Furth fortune file of thy fetters." [The modern motto is "Furth fortune and fill the fetters."]"

"Erle of Sudderland Gordon caries quarterley, 1st, azure three boare heads erazed ore by his name; 2nd, ore three lyons heads erazed gules; 3rd, ore thre cressent within a double treasure counterflowered gules; 4th, azure three cinquefoiles argent on anre ingscole or gules three mollets ore; supporters, a hound and a horse argent; crest a hart head cuped ore; motto, 'Bolt sicker.'"

[The description of the Sutherland arms is nearest those engraved on a seal of John, tenth Earl of Sutherland, where the horse and hound appear as supporters but without the motto. Similar arms are blazoned in Workman's Heraldic Manuscript in the Lyon Office, Edinburgh, of about the same date; and the motto as given reads, "Bvt siccar," which is unmeaning, and the "Bolt sicker" above explains. Bolt or Bowt in old Scottish meaning to spring or leap; here, apparently, meaning to mount the horse for the chase.]

The writer’s own arms are given as follows:—"Hume of Polwart, quarterly, 1st, vert a lyon rampant, argent; 2nd, gules, three piles ingrailed argent, by the name of Polwart; 3rd, argent a crosse ingrailed azure; 4th, as the first."
91. Diary or Journal kept by and holograph of George Home, second of Kimmerghame. It is a private manuscript journal, written in the end of the 17th, and beginning of the 18th century. George Home was a cadet of the Homes of Polwarth, and married Margaret Primrose of Barnbougal. The diary contains many notices of current public events and private affairs. It has never been published.

92. Pass by Oliver Cromwell to Christian Hamilton Lady Polwarth.

"Suffer the bearer hereof, the Lady Polwarth, with her servants and horses, quietly to pass from Edinburgh with seven trunks to her owne howse at Redbrease in the Mars, without any lett or molestacion. Given vnder my hand and seale the 28th day of December 1650.

"O. CROMWELL.

"To all officers and soldiers under my command." [Seal remaining.]

93. Bond by James Lord Mauchline for peaceable behaviour, 10th March 1655.

"I, James Lord Mauchline, doe by these presents give full power and commissione to Sir Hew Campbell of Cesnok, knight, and John Chalmers of Gadgirth, joynitly or severallie, to assur the right honourable Generall George Munke, commander-in-chief of the forces in Scotland, that I sall give in guid securatie bund in ane thousand pund sterling for my peacabell deportment, and that within twentie-anie days after my fathieris laying doune of airmes, according to the article of agreemant maid in behalfe of my fathier with the said generall, holding firme and staibell what they or aither of them sall doe thair anent. In testimonie whairof I haue subscriit these presentis, at Gaeyysyd [? Gateside], the tent day of Merch instant 1655, befor thir witnessis, Hew Penango and Robert Halden.

"Ro. Holden, witnes; Hugh Penango, witnese."

94. Letter, General George Monck to Collonel Cowper, in reference to the submission of the Earl of Loudoun and Lord Mauchline his son. [Contemporary copy.]

"Sir,—Having this day agreid upon articles with Sir Hew Campbell of Cesnok and John Chalmers off Gatgirth, for the coming in off the Erll off Lowdone, his sonne and servants, whairby is agreid that the said Erll sall within 21 dayes after delveryng vp ther airmes give good securitie, bound in the sowme off fyve thousand pounds for his peaceable deportmentt to his Heighnes and successors; and also thatt the Lord Machleine sall in lyk manner give good securitie in the sowme off on thousand pounds for his Lordshipps peaceable deportmentt, I have inclosed the draught of the bounds, after quibich forme I wuld have yow to take securitie off them after they ar come in and laid downe ther armes according to the articles. If you sie just caus for abating anie thing off the fyve off Mr. Johnne Read be the courtt martiall att Ayr, I desyr yow to abait so mutche off itt as yow think fitt. I remaine, your verrie loving friend, George Monck.

"Letter for Collonell Cowper."

95. Original Warrant superscribed by King William the Third, for creating Patrick Lord Polwarth Earl of Marchmont.

The preamble proceeds thus:
“William R.

Our Soveraign Lord taking into his royal consideration the great and faithful services done and perform’d to his Majesty and to the crown and kingdom of Scotland by his right trusty and right well-beloved councillor, Patrick Lord Polwarth, Lord High Chancellor of the said kingdom, and by his predecessors and progenitors, in the high offices and trusts, civil and military, wherein they have been employed by his Majesty’s royall predecessors, kings of Scotland, (as that of treasurer of that kingdom, and that of guardian of the East Marches of Scotland towards England), and that the said Patrick Lord Polwarth has given great and eminent proofs, not only of his firm adherence to the reformed religion but also of his great fidelity and untainted loyalty in asserting and maintaining the rights and prerogatives of the Crown and monarchy, and the lawes and liberties of that his ancient kingdom in times and occasions of the greatest difficulty and danger; and his Majesty calling to remembrance that in his great and glorious undertaking for delivering and preserving that and his other kingdoms from popery and tyranny, the said Patrick Lord Polwarth did attend and accompany his Majesty from Holland, and hath since that time faithfully and diligently served his Majesty in promoting and perfecting the same glorious design, and behaved himself-worthy in the important offices and places wherein his Majesty has trusted him,” to encourage him to persist in his fidelity, his Majesty ordains a patent of honour to be expedite the great seal of that kingdom, “making, constituting, and creating, like as his Majesty by these presents makes, constitutis, and creatis the said Patrick Lord Polwarth, Earl of Marchmont, Viscount of Blasonberry, Lord Polwarth of Polwarth, Redbras, and Greenlaw,” giving to him and his heirs male whatsoever in all time coming the title of an Earl and Viscount, with all privileges thereto belonging, and that his wife and children should enjoy the same rank and precedency as appertained to wives and children of other Earls and Viscounts, &c. “And that the said patent be expedite the Privy and Great Seals (in respect the said Lord Polwarth is at present high chancellor of that kingdom) per saltum,” &c. At the Court at Kensington, 23rd April 1697, and of his Majesty’s reign the 9th year. At the end of the warrant is the Secretary’s doecquet of its contents for perusal by the King, signed by (John Earl of) Tullibardine, then one of the Secretaries of State for Scotland.

96. “Diploma Patricii domini Polwarth de titulo et dignitate comitis de Marchmont, &c.” The patent repeats the statements of the warrant much in the same terms, and the King commands the great seal and also the privy seal to be appended. At the Court at Kensington, 23rd April 1697.

97. Letter referring to a very ancient charter by King William the Lion, grandson of King David the First, to William son of Freskin, of the lands of Strabrock (in West Lothian), between 1165 and 1171. George Crawford, author of Lives of the Officers of State of Scotland, and of a Peerage of Scotland, states, that he had seen the charter then in the custody of Dame Catherine Stewart, Lady Cardross, proprietor of the lands of Strabrock, as was also her son, the Earl of Buchan, who had the charter in his charter chest. Crawford describes it as containing a grant to William son of Freskin of the lands of “Strabrock, Duffus, Rossile, Inchikel, Macher, and Kintrai, ‘quas terras pater suus Freskin tenuit tempore Regis David avi mei.’” The

* Nisbet’s Heraldry, Vol. II., page 183.
charter has been missing for upwards of half a century, and cannot now be traced, a fact which was regretted by the late Mr. Innes in the preface to the Cartulary of Moray. As Freskin is the earliest known ancestor of the Sutherland family, as well as of the Morays, Dukes of Athole, while the Douglases were nearly related to the first Freskin, this charter may be considered as common to these three great historical houses. Further evidence of the existence of King William's charter is afforded by a letter in the collections now reported on. It is from Katharine Stewart, Lady Cardross above mentioned, to Grisel Countess of Marchmont, dated 29th February 1698, in which after referring to various papers which belonged to her, and were in the keeping of the Earl of Marchmont, but which Lady Cardross was very anxious to have returned to her, she adds in a postscript:—"Your Ladyship will find by the inclosed memorandum that ther is an old charter of ours in my Lord Chanslers costidie, and it is of gret momint to us for cliring of our marches with our niberes, therefor I would intret to have it, when it may be woth my lords conveniece." The memorandum here referred to is pasted on the third page of the letter, and is as follows, though the date apparently must refer to the time when the charter was first lent to Sir Patrick Home:—

"Edinburgh, 28th June 1694.

"To get from the Earle of Marchmont, Fresiken of Strathbrock, his charter from King William of the lands of Strabrock, which he got from my Lord Cardrosse to coppie because of its antiquity."

98. "Additional Instructions to the Earle of Marchmont, his Majesty's High Commissioner, to the Parliament of Scotland. 1698."

William R.

Additional Instructions to our right trusty and right entirely beloved cousin and councillor, Patrick Earle of Marchmont, our Commissioner for holding the seventh session of our current Parliament of our ancient kingdom of Scotland.

(1.) You are [to] pass such Acts as shall be proposed in favour of the Presbyterian Church government, which shall not be inconsistent with or prejudicial to our prerogative, or the protection granted to Episcopall ministers.

(2.) If any of the Episcopall ministers who are at present in their churches shall apply to the Parliament, you are allowed to pass an Act admitting them to qualify themselves according to law, and to give them our protection.

(3.) If the Parliament shall give an excise upon malt as a fund, we empower you to consent to an Act discharging the three pennies upon the pint of ale, &c., during the continuance of the excise on malt, providing the excise on malt be not less than two merkes on the boll.

(4.) If the Parliament shall think fit to provide for the disbanded officers until they be paid off their arrears, or otherwise provided for, you are to give our assent thereto, the standing forces being first supply'd.

(5.) You are to endeavour after the supplys for the forces are seted to obtain an Act continuing the imposition of tunnage upon ships, or to procure some other fund for the maintaining or impoying the frigotts.

(6.) You are allowed to pass an Act allowing of a copper coynage in such terms as the Parliament shall think fit, providing that the benefit arising therfrom be left to our disposall.
(7.) If the Parliament shall reckon upon what is resting by the Lord Beilhaven and his partners, tacksmen of the inland excise, or any part thereof as an effectual sum, in that case you are to allow the Parliament to cognosce and determine upon the grounds whereupon they crave an abatement.

(8.) You are allowed to pass an Act dispensing with the calling out of the militia for so long time as the Parliament shall give funds for maintaining the standing forces, conform to the present establishment, except in the case of necessity, such as defending against foreign invasions, or suppressing intestine insurrections.

(9.) You may consent to an Act for facilitating the entries of vassails by subaltern superiors.

(10.) When the publick good of any of our burghs or sea-port towns is heavily burdened with debts, or where their publick works require it, you are to consent to Acts for such moderate excises or other impositions within themselves as shall be found necessary.

(11.) You are to pass an Act, after the funds for maintaining our forces and other publick exigencies are given, for encouraging Mr. Adair, Captain Slezer, and Mr. Cunningham, and giving them allowances for carrying on their several works for the good of the publick.

(12.) You are to pass such Acts as shall be proposed for encouraging the manufacture of inland salt.

(13.) On occasions of difficulty you are to consult with the officers of State, or others of interest in the Government or Parliament, or so many of them as you shall by their behaviour in Parliament judge firmly zealous for our interest.

(14.) If the Parliament cannot be brought to give the supply's but by passing Acts contrair to your instructions, you are in that [case] (if no other expedient will serve) to adjourn to such a time as that you may consult us and have our answer rather than pass such Acts.

(15.) You are empowered to continue this session of Parliament from the time of its meeting for seven weeks.

Given at our Court at Kensington the 24th day of June 1698, and of our reign the 10th year.

W. R.,
By his Majesty's command,
JA. OGLIVIE.

99. Warrant under the sign manual of King William the Third for a commission to Patrick Earl of Marchmont, to be Commissioner to the General Assembly of the Church of Scotland. The preamble states that the King ordains a commission to be past under the great seal of his Majesty's ancient kingdom of Scotland, making mention "that whereas by his Majesty's order the Generall Assembly of his Majesty's said kingdom was appointed to meet the sixth day of March next ensuing; and his Majesty being desirous and finding it necessary for the good of the said Church that the said Generall Assemblie meet upon the day appointed; and that his Majesty, by reason of his other weighty affairs, cannot in person be present in the said Assembly; and his Majesty being fully satisfied by many proofs of the sufficiency and fidelity of his Majesty's right trusty and right well-beloved cousin and counsellor, Patrick Earl of Marchmont, Lord High Chancellor of his said kingdom, whose eminent endowments render him every way fitted and qualified for rightly managing the high trust after mentioned," therefore his Majesty appoints him his High Commissioner, with power to represent his Majesty's sacred person and royal
authority in the said Assembly, &c. The commission to commence on the 6th day of March, and to continue during the sitting of the Assembly. Court at Kensington, 23 February 1701-2. The docquet is signed by John, Earl of Hyndford.

100. "Instructions to the Commissioner to the General Assembly, 1701-2":—

William R.

Instructions to our right trusty and right entirely beloved Cousin and Counsellor, Patrick, Earl of Marchmont, our Commissioner to the General Assembly of the Church of our ancient kingdom of Scotland.

(1.) You are at the opening of the Assembly to give them new assurance that we will maintain the Presbyterian government in the Church of that our kingdom.

(2.) You are to suffer nothing to be done in the Assembly to the prejudice of our authority or prerogative.

(3.) You are to take particular care that nothing be treated of that is not a fit subject for an ecclesiastical meeting.

(4.) You are to recommend to them the planting of such churches as may be still vacant, in which they shall meet with all encouragement.

(5.) You are to take care to prevent, as much as possibly you can, the turning out of their churches such of the Episcopall ministers as are qualified conform to the Act of Parliament.

(6.) You are to encourage any inclinations you find in the Assembly to assume to their government such of the ministers who preached under bishops and are qualified by law whom they shall find to be pious and moderat men.

(7.) You are to allow them to appoint commissions for planting vacant churches and for assuming such ministers as have either qualified or shall qualify themselves according to law, being pious and moderat men; and for dispatching such ecclesiastical affairs as shall be remitted to them by the Assembly.

(8.) You are to endeavour that as soon as possible the Assembly dispatch what is most necessary, leaving other matters to the aforesaid Commissioners and the inferiour judicatures.

(9.) In matters of difficulty you are to advise with such of our officers of State or members of the Assembly as you shall think fit.

(10.) You are to dissolve this Assembly betwext and the 26th day of March next, or sooner if bussines can be got done, and you are to appoint a new Assembly to meet at Edinburgh the day of .

Given at our Court at Kensington, the 23rd day of February 1701, and of our reign the 13th year. By his Majesty's command, Hyndfoord.

[These Instructions are of interest, as being the latest document signed by King William regarding the Church of Scotland. He died on the 8th of March immediately following, and on the same day Queen Anne signed a warrant for a new commission to the Earl of Marchmont to act as her representative.]

101. Warrant superscribed by Queen Anne, referring to the commission by the late King William, to the Earl of Marchmont "to represent his royall person in the present Assembly of the Church of
her Majesty's ancient kingdom of Scotland. And her Majesty being willing to give all due encouragement and countenance to the sitting of the said Assembly, and that the same may meet with no interruption in prosecuting the ends for which it was called together, she in the usual form appoints Patrick, Earl of Marchmont, as her High Commissioner to that effect. At St. James's, 8th March 1703, countersigned by the Earl of Seafield.

In my Second Report on the Marchmont muniments I shall deal with the official correspondence of Lord Chancellor Marchmont, which is too important and extensive to be included in the present Report on the charters.

Edinburgh, 32, Castle Street,
16th January 1893.

William Fraser.

In my First Report on the Marchmont muniments the ancient charters and miscellaneous writs of the Homes of Polwarth are dealt with. The present Second Report deals with the correspondence of that family, including both public and private letters. The public letters are of considerable interest and importance, relating as they do to many of the events in the reign of King William while the first Earl of Marchmont was Chancellor of Scotland.

The first in the series of letters [No. 102] is a letter by Mary, Queen of Scots, without address, informing her correspondent that she had sent Commissioners to York to meet those of Queen Elizabeth, dated at Bowton, 24th October 1568. The next two letters [Nos. 103 and 104] refer to Patrick Hume of Polwarth, younger. The first is by Ludovick, second Duke of Lennox, recommending the young laird for his honest behaviour in the King's service; the second is an order by King James the Sixth to Patrick Home of Polwarth, younger, as Captain and Keeper of the Castle of Tantallon, giving particulars of the number of persons required to keep the castle, and also their rate of wages, dated at Edinburgh, 16th February 1592–93. No. 105 is a somewhat ecclesiastical production on behalf of a young cleric. The pathetic appeal of William, tenth Earl of Angus, then in ward for his Roman Catholicism, to send him a hawk for killing partridges, to help him to pass his "malincolius houirs," is referred to in No. 106. It is not quite clear to which Laird of Polwarth the minister's complaint [No. 108] applies, but it may refer to the levies in 1643, when there was considerable backwardness in raising the quota for Berwickshire [Nos. 110 and 111]. Sir Patrick Home of Polwarth, already named as Keeper of Tantallon, married Julian Ker, daughter of Sir Thomas Ker of Ferniherst. He died in 1609, and she married a few years later Sir Thomas Hamilton of Binning, afterwards Earl of Melrose and Haddington. It is to him she refers, in her letters quoted in No. 109, to her sons Patrick Home of Polwarth and George Home of Kimmerghame. She was a voluminous letter writer, and there are a considerable number of her letters both in the Marchmont Charter Chest and in that of the Earl of Haddington. Their character may be inferred from the quotations, the last of which refers to an outbreak of the plague near Edinburgh in 1635. Her husband's remedy for the disease is characteristically. "The best remeilde he knew quhen any vos in suspesion of the plaig vos to flit sun and far of and to be long a coming bak agane." Sir Patrick Home's letter to his wife about the proposed tutor [No. 112] is of interest. He seems to have died in the following month. No. 114 is curious, as illustrating the method of procedure in trials for witchcraft. The treatment of Protestants in France referred to in No. 119, and the story about the English Parliament in No. 120, may be noted.
The son of the last-named Sir Patrick Home, also Sir Patrick (afterwards the first Earl of Marchmont), succeeded in 1648, while yet a minor. He became one of the most prominent men of his day, and in 1675 was imprisoned in Edinburgh Castle for objecting to some acts of the Government. The letters [Nos. 123—127] relate to this period. Nos. 129 to 132 are of considerable interest, as throwing light upon the emigration scheme which was proposed by Sir Patrick Home, Sir George Campbell of Cessnock, Sir John Cochrane of Ochiltree, and others. The letters show what was intended and how much had been actually done, though the colonization project was not carried out, as the promoters were shortly afterwards charged with complicity in the "Rye-house plot." As is well known, Sir Patrick Home concealed himself for a time, and then escaped to Holland. Nos. 133—135 refer to this, No. 134 showing that Sir Patrick's son was held as a hostage for his father after Argyll's expedition. Sir Patrick returned to Scotland in 1689, and from that date onwards the letters to him bear much on public affairs. One of the most interesting is No. 147, the letter written by Sir Patrick to his wife, announcing his elevation to the peerage as Lord Polwarth. His plans for his family in consequence of the new dignity are characteristic.

The letter immediately following is from Colonel Hill, who commanded the garrison at Fort William, on the subject of the Highlands and the means taken for allaying disorders and settling the clans. Colonel Hill's letters, ranging over several years [Nos. 148, 150, 153, 154, 166, 184], are of interest, and especially when compared with No. 209, giving the opinions on the same subject of Duncan Forbes of Culloden (father of President Forbes), and No. 210, which expresses the views of an aggrieved chieftain. The letters written by Mr. Carstairs, Nos. 151, 152, 155, and by the Master of Polwarth, Nos. 156, 157, 159, 163, from the seat of war in Flanders, narrate little incidents of the campaign. A letter [No. 172] from a captive Scotchman in Barbary, addressed to the Glasgow treasurer of the relief fund, gives a graphic and evidently truthful account of the sufferings endured by those who were unfortunate enough to fall into the hands of the Moors.

The remaining letters between 1690 and 1702, when King William died, are chiefly political, and, though not of special importance, throw some light on the factions and intrigues of the period. George Baillie of Jerviswood, ex-Secretary Johnstone, the Earl of Tullibardine, and the Earl of Seafield, all give their own views of passing events. It may be noted that the reference in No. 177 to the "businesse of Aikenhead" is to the trial and hanging of a young student of eighteen who had perplexed himself with puzzling theological questions, and was charged with blasphemy [see also No. 170]. Another matter regarding which there is some correspondence is the attack by Simon Fraser (afterwards Lord Lovat) upon Lady Lovat, the widow of the previous Lord Lovat, and also his seizure of Lord Saltoun and parly. The letters in question are [Nos. 194—198, 201], and indicate the measures taken to punish the delinquents. In Nos. 191, 197, 216, 217, we have a sequel to the story of Dr. Cornelius Con, told on p. 55 of the Athole Report [12th Report, Part VII.], who was so barbarously treated by the Earl of Seaforth's men. No. 186 tells of an outrage by French privateers-men on the person of Hew Cathcart of Carleton.

Several letters relate to dealings with the Roman Catholics and with non-juring Episcopalians, including John Paterson, Bishop of Glasgow. The letters allege various crimes against the Catholics, and also detail means taken for their apprehension [Nos. 173, 180, 181, 189, 192, 193,
208, 218, 220, 221, 231], of which Nos. 208, 220, and 221 are most noteworthy.

The fire which destroyed the greater part of the Palace of Whitehall on 4th January 1698 is referred to in Nos. 169, 204—207. King William's attitude towards the Scottish enterprise known as the Darien Company and the troubles of that Company are noticed in Nos. 188, 203, 214, 222—232. The death of King William in March 1702 with the immediate circumstances, including the debates on union which was then proposed, are referred to in Nos. 234—241.

After the accession of Queen Anne to the throne, the Earl of Marchmont continued to hold the office of Chancellor for a few months but was superseded in the month of June 1702. He continued, however, to be a strong supporter of the proposed union, and letters from Lord Somers, Lord Wharton, and others on this subject will be found in Nos. 244—247. The narrative contained in No. 248 of the Lord Belhaven's examination in connection with the French invasion of 1708, and graphically related by himself, gives his opinion of the reasons (which have somewhat puzzled historians) as to the primary causes of the invasion.

The insurrection of 1715 occupies the majority of the remaining public letters. Those which deal with this subject are, however, chiefly addressed, not to the Earl of Marchmont, who was now too aged for public life, but to his second surviving son Alexander, known as Lord Polwarth, since the death of his elder brother in 1710. Lord Polwarth was appointed Lord Lieutenant of Berwickshire with the usual powers for raising men to be sent against the rebels. Some of the letters [cf. Nos. 259, 260] illustrate the difficulties of making such levies. Others [Nos. 255—258, 261—266] give information of the doings of the rebels both in the north and south, and include a letter from Fort William narra ting the mustering of the Highland clans [No. 263]. No. 267 contains a long account of the battle of Sheriff Muir.

The last four letters [Nos. 269—272] are of a wholly miscellaneous character. The first, dated in 1676, is interesting for a reference to a manuscript of the History of the Church of Scotland by David Calderwood, which, if it be accurately described, is not known to modern writers. It may be noted that the alleged custodier died in the following year. The letter, No. 270, indicates the state of feeling in Scotland after James VII. had abdicated and while the Prince of Orange was still unrecognised as ruler of Scotland. No. 271 is a specimen of the letters of Lady Grisel Home or Baillie, eldest daughter of the first Earl of Marchmont and wife of George Baillie of Jerviswood. The last letter contains, from a contemporary source, an amusing anecdote of Pope Clement XI. and the Emperor's Ambassador.

The greater portion of the correspondence has been gathered together and bound in the following divisions and volumes:—


II., 116 1683—1693.

III., 112 1694—1696.*

IV., 188 1697.

V., 142 1698.

VI., 163 1699.

* It may be noted that there are in this volume a large number of news letters written from London with the home and foreign news. There are also a few such in Volume II. These news letters have not been detailed in the Report.
Public Letters, Vol. VII., 112 letters, 1700.

„ „ „ VIII., 101 „ 1701.
„ „ „ IX., 102 „ 1702—1703.
„ „ „ X., 87 „ 1704—1714.
„ „ „ XI., 85 „ 1715—1717.


„ „ „ II., 97 „ 1672—1680.
„ „ „ III., 113 „ 1681—1687.
„ „ „ IV., 110 „ 1688—1696.
„ „ „ V., 94 „ 1697—1698.
„ „ „ VI., 99 „ 1699—1700.
„ „ „ VII., 111 „ 1700—1704.
„ „ „ VIII., 118 „ 1705—1717.


„ „ „ II., 89 „ 1694—1717.

Besides these there are a large number of letters not collected into volumes, some of which have been selected and embodied with the others in this Report.

The Public Correspondence. 1568—1717.

102. Letter (address wanting), by Mary, Queen of Scots, intimating her choice of Commissioners to go to London, 1568.

"Traist consigne, we greet yow veil: The present heir of salbe to schaw yow that at this conference hes bene in York betuix our Commissionis and thais of the Queene of Ingland, quhair our rebellis hes bene hard and found nothing to thair advantage bot rather to thair dishonour and gud advancement of our desyres. In the meane tymne, our said sister hes desyrit ws to send sum of our lordis towardis hir as in lyk maner wilbe thair of the saidis rebellis. Quhairfoir we haif send vp our traist counsalouris, the Bishop of Ross, my lord Hereis, and the Abbot of Kilwynning, at quhais returning we luik to haif ane gud resolution; and as we ar advertisit of the furtherance thairof sall mak yow participant of the samyn, nocht doubting that ye will continew in your gud mynd toward ws. Referring the rest to our nixt advertisment, committis yow to the protection of God Almychtie. Off Bowstoune, the xxiii of October 1568. Your gud friend. Marie R."

103. Letter (address wanting) by Ludovick, second Duke of Lennox, 1592.

"Traist freind, efit our harttie commendationis. In respect of the gude and honest behaviour of the young Laird of Poluart in his Maiestis service, as alswa his gude deserving not onlie vnto ws bot alswa to our vnquhile darrest father, we have tane occasioun maist earnestlie to requiest yow to assist and forder him in his present adois quhilik ye sall vnderstand vther be himself or this berar, as ye will do ws maist speciall and agricibill plesour and as ye sall find ws reddie to the forderance of all and quhatsumeuir your vther ressonabill eaffaris. Swa committis yow to the protection of the Eternall. From Halyruhhouse, the day of December 1592. Your louing and assurrit freind, Lenox." [The last five words with signature in the Duke's own hand.]

104. Order by King James the Sixth about Tantallon Castle. "Apud Edinburgh, xvi" die mensis Februarij 1592. The Kingis Majestie with auise of his counsell nominatis and appoyntis his loving
105. The following curious letter appears to have been written in support of a petition made on 2nd October 1604 by Sir Patrick Hume of Polwarth, praying the Presbytery of Duns, in terms of a deliverance by the Commission of the General Assembly, requiring the Synod of Merse and Teviotdale to take Mr. Colin Row on trials for the ministry, and if found qualified, to recommend him to the Presbytery of Duns, whom Sir Patrick desired to admit Mr. Row to the parish of Polwarth on his presentation. It would appear that the Presbytery appointed the trials to take place, and, in anticipation, an anonymous writer wrote as follows:—

"To the bretherin appointit auditoris and judgis for truyall of M. Colin Roue, at Kelso, ye vij of Nouember instant." "Excusi my post haste. Pleis your wisdomis to excusi M. Colin Roue in cais his doctrin be not corispondent to your expecatione and plesoris, his studie being interropit partly by report of precogitat coursis and platis deuixt in his pruindyce to promof ane vdir to the plac, condemning him as it var befor he be hard, contrar to reson, consciene, and ordinate of the Sinod, and partly by my awne moyane that mouit to stay his techinge gif I had taryit in the cuntrye, persasing the prosedig of perticular men, gisit collatitio, as is alledgit, to him quhais lif doctrin and maneirs lies not ben appruat (I belief) by sua mony famus and autentik testimonyalis; not the les albeit (in ane manier) his eschet is dispoit befor he be conuit, and is forfaitit befor he haif offendid, be sum men, I trae your godly visdomis that ar judgis voll redres the doingsis of sik men, and repond the honest innosene of that mane in his awne place, houever he lik the heraris. I kna perfity and is in consiene persuadit he is of gud lyf, modest, meilk, holy, graif, humblle, and fullfilit of Crestiane cherite, als apt to teche and edite the pepill (that ar veill plesit vith him) as ony yonge man perhapes within the land; gif ouer gret modesty and reuerenc to the auditor, harme hiu nothing, he can do veill. I kna Demostines in his youthe, the gret orator, stud dom befor the pipill, ve red; schamfastnes, silenc, and sobernes ar vertuis remember. Gif at the soden your autoriteis astonis ane yong man sua far that he can not vtr his gud conseptionis and knaledge, voll ye reiect him? (God forbid. To conclud, as the Lord voll renard yone, haif regard to the honest innosencie of that simpil saull, void of ostentatione, pride, ir, inuy, and all vncheritablle euellis that sould be odius befor youre eis. Gif that yong man be reiekit considir thir euillis to followe, first the innosent sal be oppresit, your visdomis enell reportit of for suceding in the vic of men that hes manifestit their malis vpon perticular respectis that ar and sal be profin; thredly, the kirk sal remaine vnplanit. 4. The pepill
106. Letter from William, tenth Earl of Angus, addressed to the Laird of Polwarth, dated 6th September 1608, from Glasgow, where the Earl was then in ward for opposition to the Kirk. The letter, which refers to some legal discharge to be granted by the Earl, is of no importance, but the postscript may be noted as bearing on the Earl's situation. He writes, "I request (yaw) to get me tarsell of falcon or goss halk to slee partrikis, to help me to pas my malincolius houirs heir in ward."

107. Letter from Alexander, Earl of Dunfermline, Chancellor, and other members of the Privy Council, requiring the Commissioners chosen by the small barons and freeholders of Berwickshire, to attend the Parliament to meet on 15th June next, "provydit to ressone, voit, treat, and conclude in suche thingis as salbe proposed at that metting."
Edinburgh, 15th May 1609.

108. Letter addressed to George Home of Kimerghame by Mr. Alexander Case, minister of Polwarth, complaining of the Laird of Polwarth. He states that he had two men servants, one of whom he held in readiness "to go forth in this just and lawfull employment vnder the commander of the Church regiment, necessitie forceh me to keep the other because I myselfe have no skill of servile work." But the Laird of Polwarth insisted on having this second man, notwithstanding remonstrances and the assurance of the Laird of Wedderburn, his Colonel, that it was against equity. He sent "a great number of his men into Polwarth with some of his owne domestik servants with banded staves, picks, and musketts to take away my man, and searched barn and byre for him, but he was not in the way, and commanded them that if he or any others whom he designed did resist they should toom a payr of bulletts in them,—these were his words." The same night the Laird's men had gone to Langhopebirks and "besieged that steading, being charged to bring downe to the Readbrays (Sir Patrick Hume's house) Sandee Garner, and if he would not come willingly then to force and compell him." The next day the same company were sent "to bring out of the byre Sandees cow, to keep her till Sandee brought his son, yong Sandee, whom he had designed for a sojour. The lad was serving in Polwart, and fled out of the way, yet Sandee himself was mynded to go to the Laird, but my wyfe counselled him not to go at that tyme, because she sayd he would do with him as he had done with old Jhon Hill in the Edges keeping him as a prisoner till he found out his sone Archie Hill, my man, and for that cause if he gett him not he would send out that olde poore man in his sonnes stead. If this be seemlie work, lett any sober man judge." The remainder of the letter, which is very long, threatens an appeal to the Privy Council, and comments severely on the Laird's turn out of men. No date.

109. A number of letters from Dame Julian Ker addressed to her sons Patrick Hume of Polwarth and George Hume of Kimerghame. She was first the wife of Patrick Hume of Polwarth, and afterwards married Thomas Hamilton, Earl of Melrose, and first Earl of Haddington. The letters are dated between 28th June 1625 and 28th December 1636. They contain much advice, worldly and religious,
but are not of a very historical character. A few quotations may be
given, however, which partake of that nature, in their reference to
current events. (1) In her first letter, 28th June 1625, she writes,
"I delyverit me lord of Melros (her husband) your servues and sperit
gif euer he had vrittin to you, quho said, no, or gif he vald vrit to you,
and he said he vald vith the first occasion; but I told him not of this
letter. He is euene the man he vos, yet constant in the ald fason." She
further says, "Ye do eual that writes not both to my lord, my brother,
and to Sir Robert Kar, quho is ane grete courteour and gentleman of
his Maieste bed chalmer. Mend this falt I pray you." She also refers
to the coming to England of Queen Henrietta Maria, and adds, "thar
is many prestis and sum jesuets cum vith her, bot schu is thocht not
to be obstenat, vith Godis grace."

(2.) On 16th September 1627 she again wrote to her eldest son, the
Laird of Polworth, then at Poitiers in France. "I am grough both
very sekly and vnable, and the only reson thereof is melankoly and gref
for your vaybycling and conteneual feir of your danger, espesially since
thir vars brak vp betuex our King and the King of France, quhairfor I
am very sorrie at my hart, and so is many ma in this cuntre, quisch I
thocht sould a pouset [pushed] your haim-cuming befor this tim, bot seing
it hes not and nou that ye haif gotin your desir and othere sex moneths
to your delitt exarisis sair against my hairt, I maist eirnestly request
you for God's caus and for my blissing, and the contentment of al that
lous you, and the vel and standing of your auin estait, to lay al excusis,
resons, or arguements quhatsnameuer asid and cum haim without delay.

. . . I pray you to haif ane gret cair to cum the most saif vay the
Lord derek you, and to haif ane 'handsum and vel fasined man to seru
you, becaus be God's grace ye must cum be court and kis his Maieste
hand and the Quen's, with quhom I houp ye wolbe ane gret courteour
being so gud an French man, and I think be knychtit." In a post-
script she writes, "Your gud father hes changit his stil fro Melrose to
Erle of Haddington; the reson he neuer told me, nor I did not sper, bot
it is thocht it is to humer the King because it is ane erektion."

(3.) In a letter to her second son, on 8th July 1634, Lady Hadding-
ton, inter alia, writes, "I am sur ye ar very il pleis of this vnjust
truble that is befalan me good lord of Balmerenoch; the Lord in his
gret merce to preseru and deluyer him from al thar malece and
duelichs plots. They kep al thins so secret and obscur concerning
him that we ca her nothing of thar intencion."

(4.) On 2nd October 1635, after referring to some business matters,
she writes, "Bot varly aneuch the gretest caus of the sending of this
berar is the gret fer of the pest that is her be ane schip that is cum haim
vith marchant vairs that is foul, and ane boy com out of it to Cramont
and gud in sundre housis and did drink, and going to the Quensferry
deid be the vay, and tuo hirds rypit his purs and tak out 8 or 9 dolars,
and that money, as is reportit, hes fylit sundre paires and four or fiue
houis in Cramont is closit vp. Thar is ane vyt and hir dochter deid
tuo or thre brokin out, as my lord Hadinton is informit, for he is
very curyous to knou and afrayit aneuch, and so it is gud to be ferit for
il; he is going to Teningham on of the days of the nixt vek vith al
fliting, and said yester nicht at the burd that the best remedie he kneu
quhen any vos in suspention of the plaig vos to fit sun and far of, and
to be long a cuming bak agane." [The remainder of the letters are not of
great importance.]

110. Letter from "A. Hepburne," perhaps of Waughton, to George
Home of Kimmerghame. "Ye show mee that the shyton of Bervik hes
made some acts contrair to these of the Committee. Yee must not respect these acts made be the shyre, but goe on according to the ordours of the Committee of Estates, and if yee find anie difficulitic in your procedour, I think the Lord Generall will be in your bounds shortlie, and will rectifie any thing that shall be found amisse there;" &c. Edinburgh, 30th December 1643.

111. A letter to the same, by the first Earl of Dalhousie from Ayton, 4th February 1644, in regard to the number of men required by the Committee of Estates, that Lauderdale was to be counted as part of Tweeddale and not of Berwickshire; that the men should be enlisted and then the cost proportioned. "Ye sall knaw ther is a let ordinance of the estaite ordaining these wha will not willingly putt foorth their men sail pey four hundredth merkis, so that gif ye will not speidlie put foorth your men I howp the four hundredth merkis that I will gett, gif ye disobey, will geve me contentment," &c.

112. Letter, Sir Patrick Hume of Polwarth to his wife. "My heart, I thought to have sent to you erre now, bot had not one to send, for Acherth hurt himself so evill at football in Polwart upon Sunday that he was not able to starre. Stallon is runne away with some money your mayde gave him to gett yairne, and his new cloathes and shoes which hee had, and some other things he hath taken in the house." Sir Patrick thinks he may have crossed from Leith to Fife. He adds, "If you fie a man, I think you would doe best to fie one that could play and sing and wryt; if you could have him to leare the children, hee were woorth a better condition then two or thrie of thir young fellows that can doe nothing, bot you would bee sure that hee had good knowledge of his craft. Wee heare nothing bot warres and rumors of warres heare, and of men advancing towards the border. Neertheless, I would bee content to have my writts by me, and you should even arme yourself with constancie and resolution, and not bee fleeting and flowing and running from ane place to another, bot you may use your owne mynd in this," &c. Redbraes, 8th March 1648.

113. Two letters, the first dated Kelso, 24th August, and the second at Edinburgh, 2nd September 1648, by "A. Hamilton," to George Hume, of Kimerghame, urging him to furnish troopers. In a postcript to the first letter, he writes, "Sir, if you will gett ane good horse and sailde ther is ane sufficient prettie man will vnder tak for ane trooper upon reasonable conditions; for pistolls, if you be not provyded, I can help you with them upon a reasonable raite."

114. Letter by the Earl of Loudoun as Chancellor, addressed "For our honoure friends Mr. George Hoome of Kimergegm, and remanent commissioners appointed to minister justice vpon Agnes Ankre, Johnie Hill and his spouse, within the paroche of Greinlaw." "Honoured freinds,—Haveing issued furth a commissioun to yow against certane persons accused of the cryme of witchcraft, and being desireous that their tryell may not be informall but vpon some well grounded evidentes, wee thought fitt heirby to recommend to your speciall care that, notwithstanding any confessions emitted by the parties befor the ecclesiastical judge, you would appoint tuo or on at least of your number to repare to the parties with some of the ministers befor whom they formerly confess, and cause them renew their confession in their presence, without givinge notice that commissioun is given against them, that so the confession being made befor some of your number
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(though the parties sould therefor receide from the same) you may the better know how to prosecute the commissioun in a formall way. And this course wee desire may be constantly observed in all tyme cuming, that the depositions may be taken befor some of the commissioneris authorized to try the partie (if ony be), and if there be non, befor any civill judge, or the heritouris appointed justices in that parte by act of Parliament, at Perth, the 7th of Agust 1645. And becaus the divulginge heirof may, through the perversenes of the parties, induce them to resile from their depositiones, and harden them in an obstinat denyell, and therby obstruct the discovery of the cryme of witchcraft through the whole kingdome, you are therefore wisely and carefully to manage the bussines according to the power given you; wherein wee hope you will not faill. So wee remaine, your assured freindis. (Signed) Loudoun, Can[pris], J. P. D cônc." Edinburgh, 12th April 1650.

115. Letter to the Laird of Kimmerghame by Sir Alexander Don of Newton, intimating that the writer had received from the Privy Council a proclamation "declairing his laite Hienes most illustrious sone Lord Richard, lord protector of these nationes," with a command to publish it, which he intended to do next day at the cross of Duns in time of market, and requesting that the laird may be present with other justices, that the publication "may be done with the greater solemnitie." Newton, 14th September 1658.

116. Letter to the Laird of Kimmerghame (Robert Hume) by James Dundas of Arniston, regretting that he had been so often hindered in his proposed visits to the Merse. "I was fullie resolved at four of the cloke this afternoone to have taken jurnay to-morrow, notwithstanding I could not convenientlie have done so, but having after that tyme receved the armee ther declaratione and informacions that they wer presentlie drawing together about Edenburgh, I thought it not fitt for me to goe from home so longe ane jurnay not knowing what might fall out here." The writer expresses regret at the death of Hume’s father, “so worthie and kynd ane frind,” adding, “by my wyffe presents her service to you and hopes your new wyf wil comfort you for the want of your auld father,” &c. Arniston, 25th October 1659. [The writer was Hume’s uncle.]

117. Letter to Sir Patrick Hume of Polwarth by Mr. John Veitch, sometime of Weststruther and one of the ministers "ouht” in 1662. "Much honoured. My carriage having beene so peacable as is known to neighbours I did not expect to have meet with such vsage, however, I neither blame the Earle of Home nor your honour. Onlie since whers ar dismissed upon band and I am your prisoner, I humble intreat ye may obtaine me the lik favour upon sufficiant cation to stay within the parish wher I served, and to compeir within twenty-four houres quhen ever I shall be called for be the Earle of Home or your honour or any other having commision from you for that effect. Your obtaining of this desire will put an exceeding obligation upon, Sir, your affectionat freind and servant, M. I.Vetch.” Dun, 30th November 1666."

118. Letter to the same by the Earl of Home, appointing a place of rendezvous for Polwarth’s division at “Cresemoor” between Nisbet and Langton. Dated 28th November 1666, the very day of the battle of Pentland.
119. Letter to the Earl of Loudoun from Mr. W. Doull, Saumur. The writer informs the Earl of his intended return to Scotland. "The sad condition of the Protestants in France who are left to the mercie of their merciless enemis, the Popish clergie, has made me resolve to retire myself from this country. Churches are pulling downe euery where. The ruine of our Academie is the maine thing they aime at, and in all probabilite in a few days will accomplish there designe. They have made a prohibition to all strangers to teach publiktie in our colleges or schooles, and under the name of strangers they comprthend Scotsmen as well as others, which is a great breach of our privileges which wee have enjoyed hitherto." The writer states that some friends in England have engaged him to travel into Italy and Germany with two young gentlemen, and he hopes to move homeward in the spring and reach England in "the next summer come twelue moneths," when he will be willing to enter the service of any Scottish person of quality going abroad, &c. Saumur, 2nd September 1671.

120. Letter, the Earl of Tweeddale to Sir Patrick Hume, from Yester, 3rd November 1673. . . . "I send you heir the king and the chancellairs speach in [the English] Parliament on Munday last and the orders of the houn that day, only I most tell you a story that ther was putt under the speakers chayr a sabbott or wooden shoe with the French kings arms on the on side and our kings on the other, and within a chaplet and beads with this motto, utrum mavis." [In a previous letter, 27th October, Lord Tweeddale refers to a probable postponement of the Parliament for the Duke of York's marriage, who had gone to meet the Duchess at Dover.]

121. Letter from Charles, first Earl of Aboyne, to Sir Patrick Hume, intimating that on Wednesday next the Earl of Queensberry and he, "and many wtheres of ws ar to tak jurnay from this place to meet Duk Hamilton, who parted from London upon Tuesda last and resolues to be at this place wpon Saterday nixt. The Earle of Cassells and Lievemnt General Drummond ar in companie with him. Drumfrise cam away two dayes befor, and Blakbarronie, Bonimooone and Sir Patric, Murray ar to post three or four dayes after the Duke. Ther haun bein many indewoirs wsit both be false reports and wtherawes to diswuite ws her amongst herselues, but all to noe purpose, for the designe of serwing the king and cuntrey is now soe fixt in peoples briesets that in probabilitie it will prow hard to subwert it." The writer suggests that Lord Home should meet the Duke, the Earl of Roxburghhe having appointed his son to do so. The writer further expects Polwarth to meet them at Berwick, where, "if the weather be anything seasonable, Duk Hamilton will be meet with a gryt confluence of people from this place, &c." Edinburgh, 23rd February 1674. [Lord Home wrote on 25th February refusing to meet Duke Hamilton, "I never will waite upone any subject sooner then the kings lie commisioner whoever it be, and since I have not kissed his hands, assure your selfe I owe no dwety to the other being in the same conditione as my selfe," &c.]

122. Letter from the Privy Council, signed by Chancellor Rothes, appointing Sir Patrick Hume to rendezvous the militia troop under his command for 1675 on Fogo Moor on 13th July next, and stating certain measures to be taken that the men had received pay from those who provided them. Edinburgh, 7th February 1675.
123. On 2nd September 1675, Sir Patrick Hume was imprisoned in Edinburgh Castle for opposing the planting of garrisons in the country, as an infringement on the liberty of the subject, and for refusing contributions to that end from the shire of Berwick. On the same day Lord Home wrote to him in anticipation. "If the counsell prove severe to you, be assured you shall have company, since we have done nothing illegall or what we will not stand to. For my owne parte, and [1] dare answer for all the rest we will be as ready to serve his Majesty with life and fortune as any subject whatsoever, and will maintain in this affaire passive obedience," &c. Hirzel, 2nd September 1675.

124. Letter, the Earl of Home to Sir Patrick Hume, that they had heard of the latter’s removal to the Castle, and encouraging him to be firm. Hirzel, 10th September 1675.

125. Letter from William (Douglas), third Duke of Hamilton, expressing regret at Sir Patrick’s imprisonment and with offers of aid. 13th September [1675].

126. Contemporary copy of a long letter from Mr. John Pringle, minister of Fogo, apparently to one of the bishops urging the release of Sir Patrick Hume. " ... I doe not medle with the cause, only as to his person. I cannot but regret that he being one of that degree that from his infancie he has been delicately bred and is indeed of a tender and fine constitution should yet be cast into a common goale and unwlesome place to the detriment of his health. My lord, he is a person of much honor and rarely endow'd, not to speak of his extraordinary sobriety and courteous civility; he is a gentleman addict to letters (not very ordinary in many of his ranke) and seen in them to criticisms. But that which was first in my eye and designe, though last mentioned, is that he is a good patron to churches, not troubling your lordship with seeking out and presenting dissenting brethren, and ane excellent patterne of conformity and orderly walking. There are none or very few will hear our complaints of disorders or use their interest and authoritie to suppress them as hee. He never failes on all occasions to countenance, support, and speak kindly to us, wheras wee meet with other measures from others, whose behaviour towards the church as now constitute, the publicke worship and our owne persones endeare him to us exceedingely." For these and other reasons, Mr. Pringle urges that "kirkmen" should endeavour to procure Sir Patrick’s release. Fogo, 23rd September 1675.

127. Letter from Henry Lord Cardross, who was also in prison, to Sir Patrick Home, dated from Edinburgh Castle, 24th November 1675. "Dear Sir.—I am ashamed of my so seldom coresponding with you in writ, since we ar deprived of a personal one, but I hope your goodness will pardon me and not impute it either to unkindness or leasiness, when I tel you that I am hardly master of one quarter of ane hour by reason of our having only one roome, which is our bedchamber, our dining roome, our drawing roome, the roome wher my wife resesves her visits, the roome wher I receave my visits and does any bussiness. Judge, I pray you, wher I cane doe any thing, the chamber being almost constantly full of women and frequently of men which makes me often neglect my bussiness." Lord Cardross is glad to learn that Sir Patrick is in good health. He also condoles with him on the death of his brother, and concludes, "You may be confident, my dear Polwart,
I shall never take notice of anay rumore or suggestione which are too frequently spread abroade, which may tend in the least to the disadvantage of our cause or of those that ar for it."

Addressed to Sir Patrick Hume at Stirling Castle, where he was in custody. [The Council by command of the king issued, on 29th February 1676, an order for his release.]

128. A letter, dated Edinburgh, 23rd May 1679, without address or signature, thus refers to the death of Archbishop Sharp. "As for that barbarous murder of the Archbishop, it is impossible for me or any man as yet to give you any thing like a rationall accompt of it. The Presbiterianes are blamed for it by ther opposites and some take much pains to make it done by strangers and jesuites. However it be, there is no discoverie of any consequence made in it and wee are all left to conjecture." [The murder took place on 3rd May 1679.]

129. Letter to Sir George Campbell of Cessnock, signed "A. M.," dated 28th April 1682, from Edinburgh, referring to the proposed expedition to America. "Right worshippful sir, I wrote a lyne yester-night anent ane motione maid to sex of the society of ane English gentleman, a presbyterian, his bwyng of New York at 15,000 lib sterling, quho is informed of a designe of maiking ane interest in America from this cwntrey and, by some agent of his, desyres wee be acquainted that he is willing the one halfe goe to ws, and that we erect quhat government best pleaseth ws and haive the halfe shaire in the government. It apeare ws wee conveaned by my Lord Cardross interpositione, quho told ws that a persone now one the plaice had aikered him to shew ws if wee would concwrr in that purchasse wee might haive presbytrity established, and as to the civill, ane joynt interest in maiking of lawes and ewrey things els relatting to the government. Ther occurred to ws as followes:—1st. Ther is ane considerable fort with 40 brasse cannon. 2. Ther is 1,500 lib of quitt rent. 3. Ther is ane towne peopled and the cwntrey adjacent to it, so that the new planters wold be oblidged to goe forder in, it being certainly in the optione of these alredy satled to permit ws so much as bwill ane howse in the towne, or if we shold be permitted, to make the rite. In end he desyred we shold maik our memorandum and he wold comminicate to his freind, bwt now cowlth tell quhat interest wee that wer privat persones shold haive in the fort, quitt rent or towne, nor quhat nwumber of aikeres wee shoul'd gett for 50 or 100 lib. He swffered ws to say my Lord Melvill was the persone, and inclyned to be heritable proprietor of our plantatione, saying it was absolwtly necessar the English gentleman being for the English, and so for ane swtable ballance it wold follow he shold be for ours. Wee tol him the persone to represent ws being willing now to accept and continue quanlitie se bene gesserint, and therafter elective and also satisfie ws quhat wee should haive for our money, wee wrier willing the quitt rent shold goe to him, which if of that amwnt wold haive the qholl interest of the pryce and more, quhereby he was alredy reimbwsed and so aught to give ws the rest of the cwntrey for nothing, and that allenderly fra our coming to plant and so haive the benefit of our defence." The remainder of the letter indicates that on consideration the New York scheme was given up, and attention was directed to Carolina, the constitution of that State being "accomodate" to their minds, and the idea of sending commissioners there was approved. The writer urges Sir George Campbell, who was the younger laird of Cessnock, and Sir John Cochrane to be present at the next meeting.
130. Letter, without date, but probably written about this time, in terms of the resolution to send Commissioners to Carolina, addressed to “Mr. Mortoun, Governour at Ashley River,” and signed by Sir John Cochrane of Ochiltrie. The letter intimates that the bearer, a Mr. Crawford, carries with him a duplicate of the agreement made with “the Lords Proprietors of Carolina.” “Wee have commissionat these men to search out for us the most navigable river, and to acquaint themselves so well with the entries of quhat river shall be chosen that they may be able to navigat our ships into it. We sent you by Captain Adams from London a letter direct from the Lords Proprietors desiring you to furnish men and sloups unto such as wee should commisionat to sound the rivers and take up our land; and seeing the success of our plantation depends upon the report that these men shall bring back, wee doe not doubt but you will answer both the proprieters and our expectation in giving them your best advice and assist them with all things necessary.” The writers promise that if the reports of the river and land are encouraging, they will proceed vigorously to carry on their plantation and bring with them “such a considerable number of gentlemen and ministers, and such a strenght of people well provided of all things necessary, as will exceedingly raise the reputation of that province.” The writers earnestly bes the governor’s assistance, &c.

131. Letter, dated Edinburgh, 2nd August 1682, from “Charles Charteris” to Sir George Campbell of Cessnock, or in his absence to Mr. John Sinclair, Secretary to the Duchess of Monmouth, “... I shall only give you my opinion, if it can reach you, that I think it will not be needfull for you to be at the charge of procuring a licence from the king for 10 ships, in that I believe some of them may not be employed upon transportation of people to Carolina. In that four or six vessels at most is all that you can expect to employ, thoee you were to transport a thousand persons next year, except the vesheles were to be very small. ... I believe it will not be for our advantage to transport a thousand next year, in that it will cost us much more charge for transportation of people the first year then it will doe in any of the following years, in that 200 or 300 going over the first year will make roome for twice so many the next year and will make provisions for them; nether doe I believe that those that concelled you to buy a 1,000 cows to plant your ground doe give you good advice, in that perhaps a hundred or two may serve all the passengers you ar to transport next year, by whom or at lest by ther overseers, you may know wither it will be fitter to buy a 1,000 at the same rate or perhaps half so cheape.” He advises that the vessels should be licenced to call in Virginia or Barbadoes to carry goods if necessary, and refund part of the expenses. He suggests sending a small vessel this year with a few passengers who would make preparation for a greater number the next year. The writer gives further advice as to goods, tools, and merchandise to be transported with the passengers.

132. Letter, Sir Patrick Hume of Polwarth to Sir John Cochrane and Sir George Campbell, evidently relating to the same subject. “... I have made offer of foure of the sex undertakeinges you wer pleased to trust mee with, in these three shires of Barwicke, Roxbrugh, and Selkirk, to such persones whose concurrence others more judicious and I conceived might be of most use in the generall project, and did discover a pretty good reliish of the busines, but the whole affaire being new and unknown to most in these pairtes, there is more
time required to consider of a busines of this nature before positive resolutions can be fixt upon." He therefore requests a longer term for giving an answer. "As for the other two undertakeings of the sex, you will have an account of Arnistone's resolution from the Tutor of Blecader, who is come of purpose to waite on you, and obain this delay for us; and my Lord Melvill, not being neare, I could not meet with him to make your offer to him, nor could doe it by writing to any advantage, besides that it may come more conveniently from others. This with thanks for your civilities to me," &c. Signed, "P. Hume." Dated at Polwarth House, 2nd October 1682.

133. Three packets of letters. (1.) Letters from Sir Patrick Hume of Polwarth, under the assumed name of "Peter Pereson," from Ghent, Rotterdam, and other places in Holland, whither he escaped after the Ryehouse Plot, from 28th December 1684 to 30th April 1685. (2.) Letters from the same, between 8th July and 22nd August 1685, written under the assumed names of "Peter Wallace" and "Peter St. Clare" while he was under hiding in Scotland after the failure of Argyll's invasion. There is a pass by James Boyle, Provost of Irvine, to enable "Peter Wallace, surgeon," and James Scott, wright at Irvine, to go to Ireland, dated 19th August 1685. Sir Patrick appears to have sailed from Irvine to Dublin, and thence to Bordeaux. (3.) Letters from the same, between 23 November 1685 and 21 May 1687, under the assumed names of "Peter Wallace" (or "Wallas"), "P. Sinclair," "P. Walton," written from Bordeaux, Geneva, and elsewhere abroad. In these letters there is nothing of a historical nature. They refer entirely, or to all appearance entirely, to domestic affairs, though it is possible there may be concealed political allusions, to which, however, there is no key.

134. Packet of letters from Patrick Hume, younger of Polwarth, between 3rd March 1679 and 2nd November 1689. They are chiefly private epistles, but touch on some points of wider interest. While in London, in the early part of 1685, he was apprehended and placed under charge of a messenger, as a hostage for his father who had joined Argyll. On 4th July 1685, he wrote, "I am in very good health and in very good company, and have abundance of liberty, in so much as I have wearyed less since I came here then I did when I was free, only it will be devillishly dere. I find my selfe cut out to be made a prisoner of, for I take very well with it, though it be very hard I should be made a publick hostage of, that now since Argil is taken and our . . . (torn) business put to a very good close. I must yet stay till the divelry that Munnsmouth hath raised be ended also, or he taken, for they will not now let me out upon bail. All will go well enough with me, and I hop well enough with you." He desires clothes and money to be sent to him.

In May 1686 he went to Holland, and in December of that year he wrote from the Hague that he had promises of advancement from the Prince of Orange, "and we are now voluntiers in his own company of guard among persons of very good quality till we learn the Dutch way of exercising, and when we are perfite in that I have very good ground to expect to be an ensigne in his guards, or som fare better place in some other regiment, but pray do not talke of this except to Grissell and very good freands for fear some thing may stopp it." Later, he betook himself to the study of law.

The latest letter, after a considerable interval, is dated from Edinburgh, 2nd November 1689. He states that he had received letters "just at the water of Spey as I was coming south. All hath been as
quiet in that country as ever they use to be, for I believe nobody that
knows thes people will think stealing a winder. My troop have not
been well used in having more fatigue then fell to their share. I wish
you would gete out my commission . . . , but if I be no better
used in my advancement and the date of my commission then I was by
that from the Estates, and this winter quarter, I resolve rather to give
it over and go home and snad trees at Polwart House, for I find no
man can serve the publick in Scotland in time of peace except he
resolve to be slighted as long as ther is either poor or impudent
lords, and I think we may take as long a time as never to be quat of
thes."

135. Packet of letters by the Rev. William Carstares in two divi-
sions. (1.) Letters written in or about the year 1687 from Leyden
to Sir Patrick Hume under the name of "Mons', Walton," at Ghent.
(2.) One letter dated in 1691, and a few in 1697, addressed to the Earl
of Marchmont. None of these letters contain anything specially no-
worthy. Those of the first division touch very slightly on Scottish news,
while the most important of the second division only comments on
Breadalbane's negotiations with the Highlanders. Perhaps the most
interesting item in the packet is the following cipher-key, which may be
of use in others of Mr. Carstares' letters. It was in use in 1697:—

"The King - - - - - - Mr. Watt.
The Parliament - - - - - - Mr. Rosse.
The Councill - - - - - - Mr. Davis.
Secretarie - - - - - - Mr. Hamilton.
The Chancellour - - - - - - Mr. White.
The President of Councell - - - - - - Mr. Dodson.
E. Broadalben - - - - - - Mr. Linn.
D. Queensberrie - - - - - - Mr. Thomas.
E. Tullibardin - - - - - - Mr. Wallace.
S' James Ogilvie - - - - - - Mr. Danson.
E. Aberdeen - - - - - - Mr. Roberts.
E. Arran - - - - - - Mr. James.
E. Selkirk - - - - - - Mr. Johns.
E. Portland - - - - - - Mr. Donn.
E. Albermarle - - - - - - Mr. Williams.
E. Annandale - - - - - - Mr. Wier.
Mr. James Johnston - - - - - - Mr. Dod.
Lord Whitelaw - - - - - - Mr. Hastie.
Lord Carmichell - - - - - - Mr. Moodie.
The Advocat - - - - - - Mr. Hay.
The Justice Clerk - - - - - - Mr. Hall.
E. Argyle - - - - - - Mr. Danson.
Lord Tiviot - - - - - - Mr. Man.
Presbrerians - - - - - - Mr. Stuart.
Episopall - - - - - - Mr. Holms.
Treasure - - - - - - Mr. Forbes.
S' John Maxwell - - - - - - Mr. Murray.
The Nobilitie - - - - - - Mr. Thomson.
Mr. Carstares - - - - - - Mr. Ellies.
President of Session - - - - - - Mr. Webster.
Lord Polwart - - - - - - Mr. Rae.
Scotland - - - - - - Jack.

a b c d e f g h i k l m n o p q r s t u v w x y z,
2 3 n f o q 4 5 7 9 8 r s l u w y x d b 6 m f r p,"

Marchmont MSS.
136. Letter to Sir Patrick Hume, then in London, intimating to him that "The generall meeting of ministers and professors of the Presbyterian persuasion in the Church of Scotland having agrrieved upon ane address to his Highnes the Prince of Orange for rescuing this afflicted church from that ruine wnder which it hath groaned these many years, to have the grievous yoke of prelacie removed, the ancient and beautifull government of Presbytrie re-established, and to have her ministers restored, were unanimouslie desirous to have" his concurrence, and they desire him to act as one of their Commissioners. Edinburgh, 3rd January 1689.

137. Letter, (anonymous) dated at Edinburgh, 12th January 1689, giving an account of proceedings there after the issuing of the Declaration of the Prince of Orange. The magistrates and Town Council, being Episcopalians, delayed to publish it though requested to do so, but were frightened into submission by a rumour that 1,600 of the Western Presbyterians were coming to Edinburgh to enforce publication. A number of youths in the city also desired about the end of December to display the Prince's banner, which they had prepared and applied for permission to do so but were put off, and some time afterwards approached the Council with a new address, at the presentation of which there were some wordy passages of arms.

138. Another letter, dated 2nd February 1689, also anonymous, railing against the Papists, denying the statements made of indignities offered to the curates, and condemning the magistrates for their leanings to Popery. A very long letter.

139. Letter from Andrew, third Lord Rollo, to Sir Patrick Hume of Polwarth, complaining of the disaffection existing among the gentlemen of the shires of Angus and Kincardine, who had refused to furnish horses, men, and arms as required by the Convention of Estates. He also relates a narrow escape he had from being made prisoner by Claverhouse. He desires the Committee of Estates to take active measures, and to order the shires in question to send their levies to him at Dundee. Dundee, 14th May 1689.

140. Letter to Sir Patrick Hume from the same, undated, but probably about the same time, complaining strongly of the conduct of John Hamilton, Bishop of Dunkeld, then residing at Meigle, who had used every endeavour to speak ill of the Convention of Estates, had incited others to take arms for Claverhouse, and had taken prisoners three of Lord Cochester's troopers. He had prayed for the restoration of King James, and had entertained Claverhouse. Lord Rollo desires that active proceedings should be taken against him.

141. Letter by Sir Patrick Hume (without address), dated Edinburgh, 7th June 1689, vindicating himself from misrepresentations which had been made to prejudice the King against him, and asserting (1) that he had never been absent from the Convention of Estates or the Committee for settling public affairs, (2) that he voted according to his duty or reason on every Act of importance, (3) he was ever earnest to avoid delays, (4) he had a principal share in promoting the Act asserting the authority of the Estates, though not then a voter, (5) also in promoting the Act declaring the throne vacant, (6) with the claim of right and the articles of grievances, (7) he also moved that the Estates should submit to the King lists of men fit for the public offices, (8) on its being reported that the King was dissatisfied he actively.
promoted a letter from the Committee explaining the state of affairs, and (9 and 10) furthered the presentation of it and certain views to the King in person.

142. Letter signed apparently "D. Fearne," to Sir Patrick Hume of Polwarth, dated from Hampton Court, 29th June 1689. He was a member of "the honest partie," or country party, to which Sir Patrick Hume then belonged, and writes hopefully of his own undertakings for the party in London. He says, "Some new caball are making all ther interest to gett in T. secretaire; my Lady Sutherland has done good service as to your generall concerns with the Queen, with whom she had severall conferences, and whom she convinced of some things rashlie done, and the King has been acquainted with the generall concerne of honest people. Melville seems now to be troubled for some things done, and is resolved not to be rash againe. . . . The Pope has banished the French Jesuits from Rome; the Jesuits in generall seem to declare against France also, because its given out he will declare against the Pope. I see a letter from Germany giving account of a great defeat a flying partie of 2,000 Croats gave the French upon the Rhyne, though the French were triple the number of the Imperialists. The King gave audience yesterday to the Sueddish envoy. There are very many French deserters come hither; there are also 4,000 men come out of Holland to the King's presentt service, and more are following; the Parliament is begining now to draw their purse, many of the Devillmen being gained by moderatione," &c.

143. Letter to Sir Patrick Hume from Duncan Forbes of Culloden, also a member of the same party, dated London, 22nd August 1689. He writes that he had not seen the King but had spoken his mind to the Secretary (Melville). "Our Parliament is basely misrepresented by Tarbet, Tweddel, and folk of that giang, which gave ryse to what I meant to doe if I could have stedy. They and the English Juncto, viz., Hallifax, Denby, Shrewsbury, Nottingham, and Portland, are taking methods for breaking our Parliament, calling a new one, and reducing what is doon in our church government upon this ground, that Presbitry is not the generall inclination of the people. I solved this ridle easily already. Though the kingdome be pold anent ther oppinion as these statesmen propose, it will not carry for them, but though the major part, who are of no principle, should say, No Presbitry, it does not follow that that which no man will suffer for should be established, and that which the half of the people will dy for should be persecuted. Our Duke is a playmaker heer also. Now, dear Sir, I pray the Lord direct you in evrything, and that you may be bold I tell you that I have ground to beleive that the King wants only right information to doe righteous things. Our Counsell and I think Session also will be rectified by the advys of honest men, and all our honest proposals allowd off; but I pray God oppose our D[uke] and make his influence short, or els I fear all will not be right if our people in Scotland mean not to turne slaves again, which I think is not the King's meaning. I hope they will stick by the common interest as to Church and State; I wonder they have not made powerfull adresses to baffle the misrepresentations are made of them," &c.

144. Letter (address wanting, but probably to Sir Patrick Hume) by the Earl of Annandale, dated Edinburgh, 4th September 1689. "I have hear sent you the address. All the hands wee could procure were my Lord Torphichens and Rutherfoords. I could not att this
tyme have the doubles off those two letters you desired, but by my 
nxt you shall have them. My Lord Morton being the onlie man off 
qualitie nou att London who hes subscribed this address, I think you 
wole take him, with annie other off our friends that ar threere, allongst 
with you in the deliverie off itt, but off this you will judge best when 
upon the place. I shall long anxiouslie until I hear from you," &c.

145. Letter to Sir Patrick Hume from Andrew Fletcher of Salton.  
"Edinburgh, 18th September 1689. . . . You will excuse me to 
tell you that I look oupon it as a veray great, a veray publick interrest 
that no note of reproach be laid oupon any attempt for religion or 
liberty, tho it did not succeed; and that I look oupon it as a veray 
great and veray publick interrest to assert the claime of right in its most 
considerable article, viz., that agenst a Popish King. Pray conjure 
Annandale, Lord Rutherford, Sir James Montgomerie, Drummond of 
Riccarton, Dempster of Pitliver, Sir James Ogilvie], and all my other 
friends to joynt with you in this. For its being first discussed, in my 
opinion will give no bad preparative to other affairs, because you have 
much to say and are veray strongly founded in it," &c.

146. Letter to Sir Patrick Hume from Alexander Munro [of 
Bearcroft]. Edinburgh, 24th September 1689. Chiefly about the 
Cameronian regiment. " . . . Sir, if ye be acquainted with the 
Earl of Angus, I pray you assure him that his regiment most necessarily 
brake if they be not delivered from Blackwood and Mr. Sheils [Lawrie 
of Blackwood was Chamberlain to the Marquis of Douglas, and 
Mr. Sheils was Chaplain to the regiment]. They are worst payed of 
any of the forces, and they are naked, and ther heads are blown up 
with such notions as renders them intollerable. They are worse then 
ever they were every way; the reputation they gained [at Dunkeld] 
will quickly wanish. I hear the Earl is a discreet youth and under-
stands his busines, and if he desires to have a regiment he most quite 
change the frame of this, for they refuse all subjection to discipline. 
They run away and returns as they please, ther own brutish officers 
complies with them in all ther disorders; gentlemen are disgraced 
in conjunction with them, and no gentleman can bear Blackwood's 
arbitrary government. If the Earl hade commissions from the King 
for men who are worthie to be officers, he might have a good regiment 
in eight days' time of these same souldiers or others. But I fear I 
have insisted too long upon this subject, which I was provok't to, re-
fecting upon your sone's company which was sent to Cardrosse with 
three more. Your sone is heir and some others of the officers, who 
have got accord that almost all these companies are not run away but 
gone away with a high hand, declaring they would serve no more 
untill they got ther pay for August and September, and all malignat 
officers were removed from them, and these are in a word all the 
gentlemen. I saw a letter this day from Captain Campbell, dated from 
Purgatorie, wishing he had gone to keep sheep when he first put 
himself into such company. Yet these who understand them are 
perswaded that if they were quite of the bestly officers and Mr. Sheils 
and Blackwood, they might be very tractable souldiers, and doubtles 
they would be brave fellowes," &c.

147. Letter, Sir Patrick Hume, Lord Polwarth, to his wife, 
announcing his elevation to the peerage. London, 13th January 1691.
My dearest, having the opportunity of so good and sure a bearer, I take the occasion to write more fully and freely to you than I have done formerly or perhaps will, unless such another occasion offer. As I desired you at parteing to do, I write nothing by the post... care who sees it, and it is good you still observe that rule... Since I came hither matters have gone pretty oddly and across [partly thro'] the impolitick narrow methods of those who had good access... partly thro' differences in methods which increased, if not... differences betwixt the Earl of Melvill, the Master of Stair, Major-General... and others who sided as they affected. For my part I soon discerned [what] the consequence would be, and therefore made it my business first to approve my selfe to the King, then to prevent the growing of differences betwixt those whom I found acceptable to the King. The first I carried to that degree that I am sure my credit is as great with him as any of theirs is, whereof I will give you instances at meeting that I will not write; but for the second, my labour was lost, yet this I gained, that they who differed enough among themselves are all sensible that I acted a good part and am so convinced of my sincere and prudent carriage that they acknowledge obligation to me, court my friendship, and give me great assurance of theirs. The King and the Earl of Portland know this, and profess a great sense of it, with many kind expressions. The King bids me have a little patience and rely on his favour, for he will support me. I know very well where it stands, but will not write it plainly, only if some had seen their own business well I might by this time have been in a good post, and a short time, if the King's matters prosper, will make out this. His Majesty said a while ago that before he parted for Holland he would put a mark of his favour upon mee whereby I might know that he is resolved to support my family; I could not guess what he meant, but at Christmas he explained it and gave me a gift of pension of 40L. sterling by year to be doing with, as he expressed it, and a patent to be Lord Polwart, with an addition of an orange crowned in my arms. He would have made me a Viscount... not a step to make me sensi... by the Lords, but this step being so modest I think none will envie; and when the King repaires my estate, 'tis like he will not refuse what he once offered, if I desire it; and I conclude he would not have done this, especially given me a note of his family in my arms, unless he were... to support my house, of which he gives me again renewed and positive [assurances]. For all this, my heart, when I consider the uncertainty of... ry things, even of life itselfe, of success in affairs especially... the danger of being too confident, of our most... reckonings; and also when I consider the tottering condition of my estate by reason of my burthens in so troublesome a... I am obliged to hearken to the advice of my worthy friends... to yield to it with resolution if God will, to follow it out, and seeing I am both so well esteemed and so well friended here, to get a match for my son in this country, of which I am led to be somewhat confident by what I already discover in this place and by what I know of my son, his discretion and solidity of judgement. You know matches of great means ar not to be got there, and if I can here get a person of honorable birth, of sober breeding, of our own principle of religion, handsome and lovely, such as a young man may like for a bedfellow, with 10,000 or 8,000 £ sterling portion, we need the less care for what dis-

* The blanks are caused by parts of the letter being torn away.
apointment the change of Court humour can give us, and to speake as it is, such a match cannot miss to strengthen our Court interest and make what we expect that way the more secure. My dear, I am hopeful God shall so bless and prosper my honest and innocent design as you and I, my son, and all who wish well to us shall be satisfied in it. Therfor I desire you to discourse fully with my dear Patrick, for whom cheefely I take all my paines, and for whose wellbeing any toile becomes easie to me. Tell him to order his troop as soon as possible without staring at any thing, and to be in readiness to come up to me upon my next call, on pretence among his comerads of going a step into Holland; I will write to Sir Thomas Livingston for a forloof to him. The great difficulty is of what we call the foot token money; this we cannot want, some way must be taken for it. I know not if Patrick's credit and yours can go far, but I think with the help of this gift of pension you may by Sir Patrick Murray's means get 400 £ sterling raised [and] that will, I hope, do our affaire. I . . . a charret and 4 horses, we must have a coachman and two footmen in livery beside Andrew to attend our chambers; wee can have our dyet in pension, lodging, horses meat, and stableing within 5 £ by the week; for clothes I would have him bring what he has fine with him to make change, and a man who may ride up and be a footman when here. I and my family ar greatly beholden to our English relations, especially my Lord Devonshire and my Lady Russell; I am sure of great friendship and assistance from her. Send up a bill of 10 £ to Andrew Scot when you get this, and write a dark answer to me of this letter by the common post. I did all the service I could to Jariswood in the matter of his ward, and my paines was profitable to him. You may let him or his mother, whom I hope you visit, know it. I must tell you I have other thoughts of his pretensions to my G[rizel] than I had formerly, if our neighbour be not concerned, which perhaps you can judge of by this time. You see how close you need to keep this letter, I pray do it. I am glad to heare that Newton behaves well, O how gladly I would have him setled in mariage with your niece G., and how I long to be home for that; if you can any way prepare such a matter, it would please me well." He encloses the warrant for his patent to be passed through the seals. "I will not take the title on till you write it is sealed, and the sooner I do it the better it is for my business. When it is done you and my daughters take your place frankly before the ladys of baronets, Lords of Session, and all inferior gentlemen, except they be the daughters of Lords, who will goe before my daughters but not before you, for, as I think, earls' daughters ar not by the custome of Scotland to goe before lords' ladys, albeit they do here in England, but you know how to carry with discretion. Your way of living need not alter a bit from what it was; you keep a page, get a footman, and when you visit in foul weather . . . call a coach as you used . . . for we ar but a little step forward of our rank from what we were before, and so much the better, yet our place is not doubtful as before and ther is an ease in that. Beside that, my house is equall now in peerage to the Dukes, who ar subjects. If the King and countreys business prosper, I am not afraid of breaking; if it do not I must breake, and as good break Lord as to break Laird, but God who has in his mercy provided for us before, I trust will do so still," &c.

148. Letter, Colonel John Hill, of Fort William, to Patrick Lord Polwarth, informing him of his dealings with the Highlanders. He was glad that the Council and Commander-in-Chief had passed from
the strict oath required. He found no oath would lead the clans to give up arms, and he had prepared an easy oath, "Never to take up arms against King William and Queen Mary and their government, nor to suffer any of their friends, men, tennents, and servants, whom they can be able to hinder, to take up arms," which oath was accepted by the Clan Cameron, many of the MacDonaldis, and others. He desired to act by gentle methods, and gain as much as he could from the Highlanders at present, and keep them quiet that the King's affairs may not be interrupted. Fort William, 3rd June 1691. He adds that he had given leave to the Appin and Glencoe men to go to the Earl of Argyll, their superior, provided they do so by the 8th instant.

149. Letter, Rev. William Carstares to [Lord Polwarth]. "Giblours, 3 leagues from Namur, June 6, s. v., 1691." . . . "Our news from all hands give a prospect of a comfortable issue to this campaign as to the confederats. The disappointment of the French before Coni in Piedmont is of great advantage to the Duke of Savoy, who now it is thought can with safe tic attend at Turin the arrival of the succours of the allies which are upon their way towards him, and will it is hoped capacit to him to give the enemie battell. Coni was vigorouslie defended by French refugies (one of these having commanded in the place) and Vandois, who by their opposition did shew that they were only to be overcome by force and not gold, which the French perceiving by the losse of some hundereds of their men before the place, and fearing the approach of some of the troops of Savoy did in great confusion desert the siege, leaving their sick men, much of their baggage, and some cannon behind them. The Duke of Saxonie hath past the Rhine with the confederat armie under his command, and it is said that if Caprara had timeoulsie advanced the whole French infantrie had been routed. A partie of 200 horse detached by General Flemming, who commands a body near Liege, did a few days agoe surprise and defeat a partie of 400 of the enemie, killing 90, taking severall prisoners and some scores of horses. There have been designs to sett fire to Brussels and Bruges at one time in several places, that by the confusion the French who were to have forces near might have an opportunitie to possess themselves of those towns, but the treacherie is discovered and several persons imprisoned upon that account. We hear that there is great consternation in the French armie, which we impute to the news from Savoy and Vienna, from whence we are in hopes to hear of the conclusion of a peace betwixt the Turk and Emperour," &c.

150. Letter, Colonel John Hill to Lord Polwarth. Fort William, 26th June 1691. "He intimates that the Earls of Breadalbane and Athole have undertaken to settle the Highlands, but that the former is not trusted by the clans, who think if he has money for them, he will find a way to keep a good part of it to himself." Colonel Hill expresses doubt of any good result from Breadalbane's proceedings.

151. Letter, Mr. Carstares to Lord Polwarth. From the "Headquarter at Court near Philipvill, 6th August 1691. . . . I hear that Lieutenant-General Douglasses is come hither this day, and if so it is probable that Breadalban is with him too. The account that I have of his, I mean the last negotiation, is not very acceptable here, and I am apt to think that what I have heard of it is true. . . . We were upon Saturday last within almost an English mylle of the French camp, and our armie stood in their view near 24 hours, but they did shew no inclination to fight, and we could not attack them in their camp but
with great disadvantage, though our King would have done it could he have persuaded his generals to be of his mind. We had all our ammunition in the greatest hazard of blowing up upon Saturday night last by the treacherous firing of two bombs in two different waggons in which there was powder as well as bombs, and that in the very center of our ammunition waggons, but some soldiers were so stout as, after the bombs were in fire, to draw out those two waggons where they were from amongst the rest and to overturn them, which by a very mercifull Providence prevented further harm except the firing of the [before] mentioned bombs, which, being after taptoo, did all arm our whole camp, and we are informed that the French were in arms all that night in hope it seems of an opportunitie to attack us upon the sucesse of their treacherie," &c.

152. Letter from the same. Loo, 17th September 1691. . . . "I doubt not but you have heard of the French falling upon our rear after the King had parted from the armie. The matter as I hear was thus: our armie was going from a place called Luz to another called Grammont, and had in their way a river to passe, which most of the armie had done, when the morning being foggie the enemy did, with the greatest part, if not all of their cavallerie, fall upon our rear, which consisted but of two brigads and two battalions; but though the enemy was above six to one yet our men kept their ground though hotlie charged, and the French retired upon the advance of the Earl of Marlborough with the Brittish brigades. There are above 700 killed upon the place upon both sides. We have taken 4 standards from the enemy, and they, as is said, as many from us. Some here are surprised to hear of the accounts given in to the Councill by Sir Thomas Livingston and the Earl of Kintore concerning Breadalbin's negotiation, but it can not be well believed that a man of sense would be guiltie of such things that could not but come to light, &c." [Mr. Carstares adds to his letter the following:—"Killed on our side in the above mentioned encounter: One of the Princes of Auhalt, Count of Benthem, Brigadeer Stein, Colonel Heide, Captain Riperra, Captain Fabries, Major St. Felix—killed. Prisoners of note: Count de Lippe, prisoner, Monsr. Madourans, nephew to Marquis Monmelian. Killed on the French side: Monsr. Auger, Lievt.-General, Monsr. Lussell, Marischall de Camp, Monsr. de Villepion, Cornett des Guardes, Monsr. de Monpipan, Enseigne des Guardes. Wounded and taken of the French: Major of the regiment of Merinoille, Monsr. Villar, Commissair-General de Cavallerie, Monsr. Brancar, Exempt of gens d'armes. The Dutch horse have upon this occasion regained their credit."]

153. Letter, Colonel John Hill to Lord Polwarth. Fort William, 25th November 1691. "The last meetinge between my Lord Breadalbin and the Highlanders (where only Lochiel, McLaine, Keppoch, and a som of Glencowes appeared) hath produced nothing, for none of them did either yeild or trust him, only it is said that Lochiel was in doubt whether to accept or stand out, and in that condition parted with my Lord Breadalbin, who seems much concerned at the disappoyntment, but sayes that betwixt the begininge of January they may have second thoughts. Hee is straightened, but seems to carry fair," &c.

154. From the same. Fort William, 14th July 1694. " . . . Wee are all in perfect peace and I hope will see continue, and when the courts of justiciary are fixed here (which I could not yet obtaine from the Government in the commission, but at last I hope they will
consider this, which is in the heart of all the thief holes, to be the most convenient place for frequent courts) I would soone break the neck of robbing and stealing." He complains that he cannot get a quorum of justices, and also that some whom he had named were rejected by the Government. He then proceeds, "The most of the people will, I hope (as they profess), follow my advice, and any that should doe otherwise may and shall be handled with severity, for they have nothing now left to say for themselves (by way of excuse) for any unpeacable behaviour. I have hitherto (according to my best understanding) managed them to the greatest advantage for putting them under obedience, wherein I have all along had consideration to the perplexity of affaires abroad and the unsetlednes of them at home, which, tho' men of warmer constitutions and who have interest or revenge to gratifie have not approved, I must bear all that and more alsoe, with regard to my master's interest and the common good and publique peace, rather then to any private or passionate considerations whatsoever. My owne reason and conscience justifie me in my owne breast, and I hope shall doe soe to all good vnbyased men. The end of all the paines that is or can be taken is to mainteyn peace, quietnes, and obedience, which is effected, all orders and commands are obeyed, the publique dues satisfied, the levies raised, yet all pleaseth not some men without blood or oppression. How hard was that vnhappy bussines of Glenco pressed on, to the scandal of all, and those people have not (since I received them to the King's mercy) done the value of sixpence of wronge to any man, but are in all things obedient; and when the end aimed at is obtained, peace and setlement, what would any (that consult reason) haue me to doe more? I have troubled your Lordship with too large a discourse, but the many discourses I have heard of sending to invallidate my endeavours, which (I bessse God) are governed by a principal that I hope will never fail me. I am content to bear all, and the more cheirfully since I know my master approues me, and had I not knowne better what I haue doinge, then those who censure for what they know not I might haue guen but a lame account of my trust," &c.

155. Letter, Rev. William Carstares to Lord Polwarth, from "the King's quarters at Mont St. Andre, Augst 2, 1694." He expresses much friendship for and desire to serve Lord Polwarth. Of the war he says, "We have been in this place three weeks, wherein nothing of great moment hath occurred. There hath been taking of horses upon both sides, but with much greater disadvantage to the French than to us, for Thursday last the troops we have at Liege sent out a partie and took 500 horses from the enemie, and since that time 16 of our Spanish Dragoons went afoot, but with their arms, over the Maes and first took 16 horses, and hauing mounted them went and took the advantage of the French fourragers when they were cominge with their fourrage through a narrow way where only one man could passe at a time. They brought off 50 troopers with their horses," &c.

156. Letter from the Master of Polwarth to his father. "From the camp betwixt Audencare and Gant, Augst 16, 1694." That it was impossible for him to write oftener than he had done, for "thes ten days our regiment has been guard upon the great guns which took another way then the army, and all this while we have been marching, and at last our designe lost, and our campagne at an end in all appearance, and action this year is not only improvable but impossible. I shall now give you a short account of all the designes: the first of the
campaign was to secure Lidge and Maestricht from insult, for they durst not pretend a seadge; after to keep them [the French] so in as to make them (by destroying furrage) be necessitae to furrage in their own country, and we in country that are always under contribution to them, which now we do. But the great designe was (which we have mist) by long and quick marches to have past the Schelde at a place they call Pont-de-piere, where we would have been within the lines, and then the seadge of Dunkirk, or at least of Ipre, which, if taken, would have starved the other and have closed the campaign. We lost the occasion by on day’s halt and want of intelligence, for La Vallette was not two hours at the pass before our vantguard, with troops drawn out of garisons. We did not know but they were the great army, which was not come up then, but that same night all the horse came verry much fatigued, and all the foot left behind, which now come stragling up every day. If we had attacked La Vallette I do not question but we might have carried the pass, but it would have been with the loss of ten thousand men. We are now here 120,000 men, effective and in winder-full good condition. The French are much inferior, and in verry bad condition, both army and country, this I can assurance you, but do always intrench so strongly that ther is no meddleeing with them, and the lines are now covered with all the force they have. We hear that the English fleet are before Dunkirk expecting us, but that is over. Now to give you a particular account of our marche: the a from St. Andrew to Sonbreff where we lay the b_; ther your old freind Sandy Dundas had the misfortune to kill my Collonel’s own cornet, one Conway, in a duel. The poor body was forced to it and is yet out of the way. The c we marched thorow the planes of Fleur to Nivel or Genap; the d to Soigny or planes of Campbrun; the e closs by Aith to Shevren; the f, Lusa; the g the army came to the pass and encamped when they [the French] cannoned the King’s quarters. Ther came over a collonel of the French to ask wher the King’s quarters was that there might be no shooting that way. The King’s answere was, ‘Mon quartiere est par tout qu’ils tirez ou ils voulez.’ From thence the army marched either, where our regiment joined them with the great gunns; we may lay here some few days and then we shall take the camp of Diene whe we shall lay till the camp break up, &c.”

157. Letter from the same. “Dessenber, near Grant, October 23, 1694.” Chiefly informing his father that his horses had been carried off by the enemy. “As soon as we are settled in our quarters, I resolve to go for Utrecht to see my brothers; I could never yet have leisure to see, but have frequently writ to them. My sister writs to me that they spend money; I shall see and give you account how they pass their time, but am afraid that Utrecht is not a place for them to study. Besides that it is a dear hole, there is to much company in it, especially Scots. Now when they are seasoned in the country Franaquer were a better place for them in my opinion.”

158. Letter, George Baillie of Jerviswood to Lord Polwarth, from London, November 8th 1694. “The King not being come over thers little newes, only we come now to know the designs of Staires and that gang qualich are to offer to the King a cess during life, and, if this Parliament refuse it, to advise him to call another. This I know will take because the King is bent upon it, and in a manner lookes upon it as a point of honor to have what his predecessor had, and if we would give a million from year to year he will not value it unless the vther
be done. This will certainly be this winter's struggle. We have therfor to consider whether we our selves will do the thing or suffer it to be done by vthers, and so loose the King altogether. Your Lordship would therfor meet with some honest men of the Parliament and try whether or not they will give the King five moneths cesse during life, providing the King will, before it be done, turne out all the knaves and put honest men into the Government. This would be done quickly that the Secretary [Johnstone] may know what to say to the King, for tho ye find that this Parliament will consent to the thing it must be expressly told the King that they will do it only upon the termes above mentioned, and it is fit the Secretary should know whither it will be got done or not. All I can say in the thing that turne to what hand we will, it will in probability bring ruine to honest men; refuse it, we loose the King, and the vther people will have him intirely; grant it, adieu Parliaments, and perhaps the King will not turne out knaves in expectation that this Parliament will do the businesse, and so there will be ane end of this Parliament, or if they do it at all I hope it shall be upon terms. There will be the same work here about the revenew quibibb is now out and quibibb the King designes to have settled during life; it's true it differs from our case," &c.

159. Letter from the Master of Polwarth to his father. "Brussell, Nov. 10th/Oct. 29th, 1694." "... I am extraordinary well and upon my travels to see all this country. This place is on of the pleasantest ever I was in, when you may have all the divertisements you can have at Paris,—comedie, opera, bals, assembles, acadamie, in short, I have a great mind to spend all the carnavalesque here, especially if the Electoress comes here before that, but am sumwhat unwilling to be at the expense it must cost me, yet I resolve to see as much as I can this winter and next summer, for I know very well if I were once at home again, adieu travels and rambles. Pollock and I are together; he is to be home this winter. I have bought and shall send with him some muffs, on for my mother and three for my sisters," &c.

160. George Baillie of Jerviswood to Lord Polwarth, from London, 13th November 1694, informing him that the King had called up the Chancellor [Marquis of Tweeddale] and the Secretary [Johnstone] "hopes ye will paint well with him and cause the Presbeterians do the like." This calling up of the Chancellor "was ordered by the King without asking the Master of Staires' advice tho it be his waiting, quibibb does not a little vex them."

161. James Johnstone, Secretary of State to Lord Polwarth, 4th December 1694. "... You mistake the state of the question, it's not if a cesse during lyfe should be given or not, but whether knaves or honest men should have the merit of giving of it? You will say knaves cannot give it; believe me for once, if what they ask be granted them I verily believe they can. I am sure upon such a supposition it's practicable," &c.

162. George Baillie of Jerviswood to Lord Polwarth. London, 12th January 1695. The writer wishes his Lordship would come to town, as some people are attributing his long stay in the country to dissatisfaction and discontent, and he thinks no opportunity for calumny should be given. Such people "neglect no means to attaine their end, and I have too good ground to believe they have prevailed to far with Mr. Carstaires, and by him upon Mr. Dunlop, thinking by them to gaine
foolish and credulous people of that partie to their owne side and so support their interest under the notion of Presbyterian, tho that be least in their intentiones. I wish there either had been other commissioners sent from the kirk or none at all, for Staires, Linlithgow, Carstaires, and Dunlap, and Doctor Lisk have frequent meetings, as I can judge for no good end, and if it be to make the termes of joyning with our church more easie, why should not that have been proposed to be done rather by such who have always minded their interest then by such who have always opposed it. To me, Carstaires intimacy with those of that gang is ground of jealousie that matters are likely to go to right with them, for he must be meddling and rather then lie out will joyne with any body; and tho he and Dunlap hes been spoke to by several honest men, yet they persist in their intimacies, perhaps because they have gone so far that they cannot retreat, but still denying any ill designe quilich, if true, they must be great fools, for at theirarrivée heer and that before ever they see my friend they and Carstaires dined with Staires and discovered all their business to him quilich he underhand told to the Bishop of London that he might be prepared to bespeak the King. I thought it necessary to give your Lordship this account that ye may do what ye think proper to prevent Carstaires deceiving well meaning people by joyning them to Staires and so strengthen that partie. Ye will be able to judge by some peoples' inclinations there what reality is in this I write, but I am certaine if there carriage be not knowish it is foolish and cannot but give ground of jealousie to honest people. However, let not me be known in this nor all the particular grounds of my jealousie only in generall, that there carriage is such as gives ground of suspition for this there managemet they do not owne openly only in so far that they are oblidge to returne civilities for civilities; what I know I write, quilich I hope shall go no further, &c."

"[The concluding portion of the letter shows that the writer had just learned, after the preceding was written, that Lord Polwarth had arrived in London.]"

163. Letter, the Master of Polwarth to his father, dated at “Fluzen, near Ghent, February 19, 1695.” He does not wish to press the question of leave so soon after the death of the Queen, but he hopes to be in Scotland by the end of the next harvest. "My brother Sandy came up here just the beginning of the frost and has been storme stedd here since; I never see so great and long a storme. Andrew last post writ us word of your calling them home; I resolve to see them aboard, but ther will be no stirrung till all the ice be gone. I am very glad at the resolution you have taken to call them home, for they have had colldges enough to make them able if they please to study by themselvves. I wish your Lordship would cause by all the law books apart for their use. If they be allowed the Bible no other book but what is law should come in their hands. Playbooks and romances are dangerous; Parergon’s Mathematicks iteselfe is but a pretence to gaine idleness. History is usfull but dangerous to put in their hands, at least for a year, by that time they will come to be taken with reading law, otherways they may come to be to much upon history and neglect the other, which is not so diverting. My Lord, this were arrogant in me to pretend to advise your Lordship about my brothers; I only tell you what I have found in my own experience, and what dangers I would avoid if I were to begin studying. Besides, I find Sandy (tho I do not question you will be very well pleased when you see him) hes bred himselfe as much gentleman as student; he has read a great dale, but I think his learning is a little too much upon the universale. He is a pretty good
musicitian and plays well upon the flute, which I am glad off, it is a pleasant and innocent divertissement and much properer for a student nor either hunting or haling,” &c. The writer then refers to the difficulties and expense in the way of getting recruits.

164. Letter, Mr. Robert Pringle to Lord Polwarth, dated London, 10th April 1695, announcing his appointment to “the office of Sub-Secretar,” with orders to attend the King in Flanders. He thanks Lord Polwarth for his share in procuring the appointment for him. His chief opponent was Mr. Carstares who supported a Mr. Stevenson. Mr. Pringle begs for a letter in his favour to Lord Portland.

165. Letter from the same to Lord Polwarth, from the “Camp before Namur, July 24, N. St., 95.” A long letter stating generally that the proceedings of the Parliament of Scotland were not wholly pleasing to the King. The King’s displeasure related to the manner of voting the supply, and he was also “much dissatisfied with the imprisonment of the Earl of Broadalbin and with the orders for his impeachment without preacquainting him [the King]. If the Parliament had had the affair of Glencoe under their cognisance, and so from the depositions taken in that matter had proceeded against the Earl, it would then have been easie to these who are now blamed to have laid it upon the Parliament, as perhaps it could not have been in there power to prevent it, but these depositions having been taken before these onlie who are thought to know the Kinge’s mind, there was no obligation on them to lay them before the Parliament which occasioned what hes hapned, at least before they had done it they might have acquainted the King, especiallie since the articles which are the ground of the accusation hes been known these years and had been sent by the Councili to the King, which he hes owned, and all this time neither by him nor them the least motion of a process upon that head, so that I doubt not but the King looks upon that proceeding against the Earl as a meer design of the managers to force him to that which they could not persuade him to. . . . What hes fallen out since are but as so many steps to confirm the King in his mind, the communicating the affair of Glencoe to the Parliament without his knowledge, when by the nature of the commission the report was to be made to himself only, the votes that hes passed since and particularlie that vote whereby it was carried that they should proceed without addressing are all lookt upon as one piece, but nothing worse than the Parliaments sitting after the time allowed by the King without an order . . . In my discours with my Lord Portland I endeavoured as much as I could to justifie those persons I found most blamed, but I was extremelie surprised to find him so much prejudged against some of them particularlie the Secretar of whom he complained very sore and in bitter termes.” . . . My Lord Glenorchie and the Master of Stairs hes been here these three weeks. I doe beleive the last hes as yet had very little converse with the King . . . but I believe will wait the resolutions of Parliament as to his part of the affair of Glencoo with which I beleive he is not so concerned as he hes been,” &c.

166. Colonel John Hill to Lord Polwarth, Fort William, 22nd March 1696. “. . . My Lord, I obtained from the Kinge a grant of thirtie pounds sterling per annnum out of the bishops rents for the maintenance of a schoolmaster in this place, which is of great use to breed the Highland gentlemans sonnes to learninge bothe language and principles of the Protestant Religeon (as my major will further acquaint
your lordship), but wee finde itt difficult to get any parte of itt payd, by which defect the scholl will be in hassard to breake up which were great pittie, and therefore I humbly pray your lordships favour in makeinge the payment more easie and certain," &c.

167. Letter, Mr. Alexander Home, to Lord Polwarth. Edinburgh, 28th October 1693, in reference, inter alia, to a gown for him as an extraordinary lord of session. "... I cannot think at present of any gowne for your lordship, if it be not the D[uke] of Launderdailles. If it be in the young countess her custodie I know you may command it, and I will know that on Tuesday next, God willing, for she is in this tonne. The persone I am to send to her will not ingadge to goe sooner, because the sacrament is to be given here to-morrow, and Monday will be a preaching day. The late Argyles was sold be his some Charles to my Lord Strathmoir. I can think of noe other for the Register, Sir Archbald Primeroise, his gowne, was only a clerk's gowne with something beyond the ordinary clerks, but will not suit with your lordship as ane extraordinarie lord."

Another letter from the same writer, on 3rd November 1693, says, "... I have spoken with Jerviswood anent your gowne, and he had thought upon the Earle of Kincardins, but Queensburie got that when he was made ane extraordinarie lord. James Hay hes written this day to Blair-Drummond to know what is become of the Earle of Perths; if it be not disposed upon (quihich I can not believe) I can make your lordship sure of it, and I will get the answer next week. I have not yet ane accompt as yet what became of Laudermals, but I hop to have it to-morrow, &c.

168. Letter, John Murray, Earl of Tullibardine to Lord Polwarth, Chancellor of Scotland. Whitehall, 19th December 1696. "... On Tuesday last the King called me into his closet where I was above an hour, and gave him a full acount of the proceedings in Parliament, but before I began he told me he was very sensible of the good services I had done him, and when I was going out he repeated the same and gave me many thanks for what I had done. You may be sure I could not give an accout of the Parliament without telling the great shaire you had in his service, besides, he askt how you caried as Chancelor. My answer was, that if his Maiestie were yet to choose he could not have choosed one that was fitter for itt. I have also acquainted his Maiestie with your lordships zeale and diligence at this time and the unanimity and concurrence you have of the Duke of Queensberrie and others in the Counsell ... I am very glad you agree so very well with the Duke of Queensberrie and Argile; I wish it may continue; the first is not behind with you in writing very kindly of you. You have writt nothing of the meeting of the Generall Assembly, which was adjourned to the 2nd of January, which being just a yeare since the last adjournment, I thought it was proper to advise the King to allow them to meet tho' it were for a very few dayes, and then they might be adjourned to a short and more convenient time; so I believe the King will doe so, tho' he is not inclined they shou'd meet in the time of the English Parliament. My Lord Carmichel must be the Commissioner, who I hope will not decline it at this time, since I am confident the ministers will consider so much theire own interest as not to give the King any uneasines by theire proceedings," &c. [A long letter, but not specially important.]

169. Letter, Mr. Robert Pringle, Under Secretary of State, to Lord Polwarth. Whitehall, 4th January 1697, "... Whilst I write y 78298.
to your lordship, Whythall is in flames and a verie dismal sight; the fire broke out about 3 in the afternoon, and hes already consumed all the royal lodgings both on the water and privie garden, so that I think there is little of it left but the banqueting house," &c. [This letter is properly of date 4th January 1698. See infra.]

170. Letter, John, Earl of Tullibardine, to Lord Polwarth. Whitehall, 19th January 1697. Asking for a report from the Privy Council of Scotland, with information as to the privileges enjoyed by the Scottish nation in France, that instructions may be given to the English plenipotentiaries for the treaty. "They still make a noyse here about Aikenhead, but it is either those that have little of religion themselves, or would fain have something to find fault with in our actings, because they cannot find anything materiall; but, as I wrote, it has been an omission that I was not acquainted with the particulars of his tryall and other circumstances of it, which the sollicitor ought to have given me. I would be satisfied to know what age he was of. Your lordship will see in the prints (particularly in the "Postboy" and "Postman") that they would aggravate the business. I cannot yet make them give account of their correspondents in Scotland, but it seems they are none of our freinds," &c.

171. Letter, the Rev. William Carstares to Lord Polwarth. London, 21st January 1697. "There is little of moment passeth here. Sir John Fenwick dies upon Saturday. Earl Monmouth continues still in the Tower. There is nothing like a breach betwixt our Secretaries [which had been reported] . . . . There is no appearance of changes as to persons at present in trust where your lordship is, nor doe I hear that the King hath the least inclination to alterations . . . . I shall presume in a post or two to send your lordship a cypher [see No. 135 supra] and then shall write fullie as anything occurs," &c.

172. Letter, addressed "To Mr. John Spreull, merchant in Glasgow, Scotland" (Collector of the Relief Fund for captives in Barbary). "Sir, This is now the 2nd I have since my dismall captivity, and since the reception of your charitable supply of 6 per $ sent to testifie my thankfulness, and present my humble and hearty respects to you, praying God sincerely to remunerate you for your great kindness in contributing so graciously to the preserving of our persishing and decayed bodys alive which hitherto ye have in a great measure done. I need not, I think, neither can I sufficiently express the misery we poor captives daily undergoe, the weariness, cold, hunger, hard work, and the incessant labour with continuall blows, minutely almost, received from the hands of bloody, merciless, savage and cruel Moors and Negroes who are our rigide and severe drivers and taskmasters. We were 12 in number about a year agoe, transported from Macquanes [Mekines], the seat of his tyrannicall Majesty, to Thetiwan [Tetuan], some 5 or 6 dayes journey northward, and on day from Tangier eastward, on the Straights, where we are employed in the service and assistance of a Turk who hath here erected a boom house, and makcs mortar pieces and booms. Our work is hard and most untimely, nights maney times, so well as dayes, and our allowance is a black cake of barley bread which dogs will hardly eat, and water; nothing allowed us for cloaths, and our lodging a deep dungeon, wher about 100 Moors, murderers, and other malefactors, make it ther recreation to plague and torment us, so that truly Egyptian bondage while in its vigor was far incomparable to our captivity in its extremity, and no charity in the world greater then wha
is given to poor slaves. I shall add at present no more but my hearty thank and resentments for all received favours, with my respects to your self and family, wishing you all health, happiness, and success. I remain ever, Sir, your humble and deeply obliged the now distressed servant, James Germany.

Thitiwan, in Barbary, January 26th 1695. Pray Sir, present my love to Ja. Montgomery, his wife, and family. Cuthbert Glass, who is here also, presents his respects unto you. Our mate is escaped and gott his liberty, and William Akine and John Crawford are dead, and now we are reduced to the number of 6 here and Fes.”

173. Letter to Lord Polwarth from John [Paterson], Bishop of Glasgow. Edinburgh, 16th March 1697. That he cheerfully submits to the sentence of the Privy Council. He desires the Chancellor to procure for him “either the libertie of the shyre of Fife in generall, or at least ten myles around Coupar there, which I earnestlie desire not for my owne personall case, but for my numerous familie; that so I might the more convenientlie sette it in some little towne or house in the east corner of Fife, neer the seashore, whither I might be able to transport it from this citie by water, and so at the less charge. I designe to live out of all roads that I may give the less offence or umbrage to such as may look on me as a pragmatique man, and Coupar is in the high road from north to south, where I desire not to live if I can avoyd it.” The writer concludes by requesting that he may not be required to go to the place of his confinuement till Whitsunday, that he may provide a house for himself and family.

174. Letter, the Earl of Tullibardine to Lord Polwarth. Kensington, 20th March [1697]. Regretting that Lord Polwarth is not coming to Court as was proposed. “I shall speake againe of your title when my month comes, if you doe not write to Sir James [Ogilvie] to doe it before. But I wish you woud choose some other title then Berwickshire, for the town belonging to England, tho the shire does not, perhaps the King may scruple at it, being extremee in what concerns England. I am very ill satisfied with any that caries or speaks disrespectfully to your lordship whatever hand it comes from. As for the Justice Clerk [Adam Cockburn of Ormiston], I am sensible he is very hott, and I both have, and if I were with him its like, would differ often in measures, and all the opinion I have of him is that he is very firm to the present establishment, and I belive will not tell a falshood. As for his being my frend, I cannot say much more then that I belive he prefers me to some others. But its plaine that since nether your lordship or I doe engaige in parties we are not so well liked by ether, and that we have a hard task how to carie when their heats grow high, but I am sure we both follow that which we judge is right and reasonable, which I doute not will carry us thro whatever uneasines or envie we meet with,” &c.

175. Letter, James Johnstone (some time Secretary of State) to Lord Polwarth. London, 17th March 1697. “The opportunity of bearers is but rare, and I only hear which makes me not writ. Besides, my conversation is amongst the English, where I doe you what service I can when there is occasion for it, as there was lately about the businesse of Aikenhead, which I coloured to the English as much as I could, tho I own to our Scotch I frankly disapproved of it. I can make noe other judgement of our affaires, but that they will goo on as they are till a peace, or towards a session of Parliament which its like
the king will hold himself in case of a peace. The king thinks a peace certain in case he can have money to get the army in the field in good order and in due tyme. My Lord Shrewsbury is now mightily in favour, and there is a verry good understanding betwixt him and my Lord Sunderland, so the secret and weight of the Administration is wholly in them two, and I am told the king will doe verry popular things when the peace coms. The bishop of Salisbury is of great use in the House of Lords, and is at present more in favour with the king than ever he was, or ever I thought should have been," &c.

176. Letter, the Earl of Tullibardine to Lord Polwarth, Kensington, 30th March [1697]. "... I find we have, and I hope always shall agree in our publiek measures, and I'le assure you without compliment I have as good opinion of your sincerity and way of acting as yourself can wish, for I am perswaded that to doe right and justice without respect of persons or parties is your desire and aime, and with God's assistance it shall be mine," &c.

177. Letter, Mr. James Johnstone to Lord Polwarth. London, 1st April 1697. "You doe me great justice in not believing of me what has been told you. As to the government I absolutely abstain from meddling, in so much that I have not written to nor heard from some of those with you in Scotland, whom you reckon my best friends, these six moneths, and its not verry credible that I who have been Secretary will be a little agent. As to talking, I have said nothing since I was out but what I said when I was in, and if then I did not designe to reflect on myself, I cannot nou be supposed to reflect on you or some others whom I alwyse agreed with. I live well with both secretaries here, which could not be if some men's tattle was true. The truth is I have the same thoughts of men and things that I ever had, and of which my mind is well known to you." He claims that Lord Polwarth owes him a debt for service, and proceeds, "The occasion of what is said is my speech to your friends against the businesse of Aikenhead, and your share in it, but it was to your friends, and Scotch ones. To the English ones I made the best defence I could. In short, that man's life might be taken by all laws, both of God and man; but every thing that is lawfull is not expedient, and as the Presbyterians are stated here they could not have given themselves a greater blow. I say not in the opinion of libertins but of the body of this nation. A wyfe thats jealousd most shun even the most innocent appearances. They are accused by their enemies of a bitter persecuting spirit and suspected by their friends of it. The libells and clamour of the outed clergy have hightened those thoughts of them so the least appearances passe for a proof even amongst their friends. Should I tell you matter of fact you could not believe it. The wisdom of the serpent is recommended as well as the innocency of the dove. So as to witches that there may be such I have noe doubt, nor never had, it is a matter of fact that I was never judge of. But the parliaments of France and other judicatories who are perswaded of the being of witches never try them nou because of the experience they have had that its impossible to distinguish possession from nature in disorder, and they chuse rather to let the guilty escape than to punish the innocent. If indeed there be malifics, they punish those malifics according to the laws and the nature of them, without respect to the principalles whence they proceed," &c.

178. Letter, Sir James Ogilvie, Secretary of State, to Lord Polwarth. Whitehall, 1st April 1697. "I have gott a memoriall from Sir
William Turnbull, the Secretary of State, concerning tuo Scottsmen 
Mrs. Hunter and Chapman, who it seems were both concerned and 
confederates with Rottar, who has stollen some of the dies for cowneing 
out of the Tower. It is informed that these tuo are fled to Scotland 
and are sheltered in the Minhouse.” The king wished them to be 
seized and sent to London to be tried. After referring to Sir George 
Hamilton’s appointment as commissary of the army, he says, “Mr. John-
stoun hes gott a letter for 4,000 lib. sterling out of the compositions 
to be given for the renewing the leasses of the Bishops teinds. . . . 
The king did promise to provide for him a little after he removed him 
from being Secretary, and by this he has fulfilled his promise. . . . 
The laird of Kailburn is put both upon the Counsell and Exchequer; 
he’s a verie understanding man and will be usefull,” &c.

179. Letter, Kenneth, Earl of Seaforth, to Lord Polwarth, dated 
2nd April 1697. Thanking him for his favours, which Lord Polwarth 
will have no reason to regret. “I am sorry Colonel Hills orders 
concerning me proves a mistake, however I hope by your lordships 
means it will warm neither of us, and for my being some time at my 
owns hius it was after my surrender at Inverness, and by the commanders 
alouence on his being secure of me on the least call by reason of my 
health ther being no good acomodation ther, and my houis within half 
an hours sailing of it, so that it hade been sever to obstruct my liberty 
on that account,” &c.

180. Lettere from Sir James Ogilvie to Lord Polwarth. Whitehall, 
6th April 1697. “ . . . As for the Earl of Seaforth, I think his 
captan ought not to have aloued him to be at libertie without your 
lordship or the counceles alouence, bot you will certanlie take wayes 
to know hou he came to doe it. . . . the Bishop of Glasgows 
confinment might have been to some place yet more retyrred then 
Couper, it being on the hy rod from the north, bot I am afrained if it 
be altered, he will carie it to be some place yet worse, so it is better to 
hold it as it is,” &c.

Edinburgh, 10th April 1697. “ Baillife Broun brings me one Alexander 
Waddell, merchant in this town, whom he attests to be an honest man, 
and Alexander sayses that yesterday at the towne of Paintland he was 
told by an honest man that the Papists have had great meetings and 
feastings at and about Roslin since Sunday last, Pasch day, and that 
they have had a preist lodged neiirby all this weak, and they ar to have 
high mass to-morrou the eleventh instant about the sun rising at 
Roslin house. My Lord, I think Sheriff Calderwood may be ordered 
to goe and sense this preist and take notice of these meeters for the 
concern of the government, and that my lord Teviot may order him 
the assistance of a partie necessarie to be conveyed there as secretely 
and justly as can be contrived,” &c.

182. Letter, Mr. Robert Pringle, Under Secretary of State, to Lord 
Polwarth. Whitehall, 15th April 1697. “ . . . I wrote in on of 
mine to your lordship that my Lord Tullibardin was not satisfied with 
Kelburns being made on of the Counsell and Exchequer, but I find now 
he hes pushed his resentment too far; for after the king had signed the 
letters he wrote to the king dissuading him from it, and representing 
Kelburn as a person verie unfit for these trustes and giving him such 
a character, as if true must have reflected much upon Sir James
[Ogilvie] who recommended him. This the king was dissatisfied with and expresed himself not much to Tullibardin's advantage for being too ready to give such characters of these who are not of his partie, and I beleive took wayes to lett Sir James know what the other had writ, which made him the more ready to justifie his recommendation to the king when upon Tuesday last he called them both before him. At their first comming in he told them that he was not willing to think of being anie more troubled with such differences as was betwixt the Master of Stairs and Mr. Johnston, and that he would recommend it to them to avoid them; that he had no sooner signed a letter naming Kelburn a Councillor, but he receaved on from my Lord Tullibardin as if the whole happiness and weellfare of the nation had depended upon it. Tullibardin was not a little surprized with this and began to recede a little from what he had writ. Sir James took occasion to justifie what he had done, and after some debates the king told them he would have no more of it, that he would not retract what he had done. After they left the king and had reasoned a little betwixt themselves before my Lord Selkirk, there was a seeming reconciliation made and they carry non to on another as formerlie. What I have here writ is known to verie few, and perhaps the Secretars will think it there interest it should be concealed and which, though I know it needless I must presume to desire your lordship not to notice to anie. I thought it my duety to acquaint your lordship with it, that you may the better judge hou the king is affected to those that serve him," &c.

183. Letter, the Earl of Tullibardine to Lord Polwarth, Kensington, 24th April 1697. Announcing the signing of his patent as Earl of Marchmont.

184. Letter, Colonel John Hill to [the Earl of Marchmont], Fort William, 26th April 1697. Sending "my Lord Seafts bond perfected in forme according to the king's letter, wherin are cationers the lairds of Brodie and Culloden with most of the earles most considerable freinds; as alsoe Locheiles bond of 500l. sterling, Sir Hugh Campbell of Calder, cationer, and shall send Glengary's hou soone I get it. They desire to have up their former bonds. Those in Mull were (according to the Councells order) liberat by my Lord Argyll who tooke bonds of them. The new prisoners in Mull of whom I gave your lordship an account in my last, I desire your pleasure concerninge them. I enclosed the bonds to Sir Gilbert Elliot, clerce of the Councell, as the order required. All is here in perfect peace; only some are stealinge to prevent starvings, seueralls have dyed of want not far from here," &c.

185. Letter, William Earl of Annandale [address and place of writing wanting], 28th April [1697?]. "... I can give you verrie little from this, our newes must come from you. I pray God they may be good and acceptable to the nation, for thiss poor cuntrey had much need of encouragement under the circumstances they are like to be in. Never greater appearance off severitie and want, for heare is the severest, coldest, unkindliest season that ever has been seen," &c.

186. Letter, apparently to the Earl of Marchmont, from Hew Catheart of Carleton. Ayr, 1st June 1697. Informing the Chancellor of a complaint to the Ayrshire Commissioners of Supply by Hugh Ferguson of Finnarts, in the parish of Ballantrae, in the mouth of Lochryan on the borders of Galloway. "a place much haunted by privateers" giving an account "of ane cruel and barbarous treatment he mett with, from
a French privateer, who come in to that place upon Sunday last. They stripped himself naked, beat and wounded him, took him prisoner, tyed him naked as he was, threatened to carry him to France, pillaged and robbed his house, and left him nothing therein, no, not soe much as ane cloath to wrap his poor young children in, left nothing about the house, but vseed several wther acts of crueltie to himself, his wyfe and familie," 
&c.

187. Letter from the Earl of Portland to the Earl of Marchmont. "Du Camp de Coekelsberg, ce 29 juylet. Monsieur, Jay receu l'honneur de la vostre du 21 de ce mois avec la copie de la lettre que vous escrivez au Roy touchant ladresse de la Compagnie Afrique d'Escosse. Cette affaire est embarrasante et vous verrez par les ordres aus secretaires d'Etat quil sera difficile de rien determine sur ce sujet devant que sa Majeste retouner en Angleterre. Elle est cependant fort satisfaite de la conduitte que vous i avez tenu, dans laquelle elle souhaitte que vous continuiez pour empecher que cela ne soit pas pousse trop loin et que malveuillants ne se servent pas de cette occasion pour alienen les coeurs des bons subjects et serviteurs du Roy." The writer further states he will be glad to serve the earl's son in obtaining for him leave to quit the army and go home to be married.

188. Declaration by "Hector Aiton, printer, servitor to Mistress Anderson, his Majesty's printer," dated at Edinburgh, 2nd August 1697, that he had "receaved a paper from Mr. Roderick Mackkenzie, called a memoriall to the citie of Hamburg concerning the Scots African Company, and [he] desired me to print and publish the same; and that I went with the said paper to his Majesty's Advocatt to procure a licence for the printing of it, and accordingly he took the paper out of my hand and read some lines of it and desired me to print it, and said that he would hinder nothing to be printed relating to that Company, and their own authority was sufficient."

189. Letter to the Earl of Marchmont by Mr. William Vetch, minister of Dumfries. 21st September 1697. Complaining of the conduct of a company of foot soldiers then in Dumfries. "The Captain Bailie and his lieutennant the very first night went up to the prisoner Pettincreefe, and the scum of the place with them, some of them that were before the counsel, and drank till 12 at night, and went sadly to their lodgings; and so they hold on daylie, sometymes with the Papists invited to feasting and drinking, sometymes with the greatest Jacobites or both together, and this is there trade. They haunt with non thats sober, and for the government; and they come not to church, and they have brought no money for the souldiers, but old 40 peny peices quich occasiones great troble, they not being currant in this country." The writer presses for the removal of the company.

190. Letter to the same from "Archibald Mure," Edinburgh, 22nd September 1697, who informs the Chancellor that he had received from the Ministers and Magistrates of Edinburgh a list of the "Popish families" residing there, and he now waits further instructions. He further states that on the previous Saturday there were ringing of bells and illuminations in honour of the conclusion of peace. [The writer of this letter appears to be Sir Archibald Mure of Thornton, Fife, then Provost of Edinburgh.]

191. Letter to the same from Sir James Ogilvie, Whitehall, 23rd September 1697. "... My Lord Tullibardine informs me
that he has writne to your lordship to prosecute that affair of Ockons. I
doe join my desire in that mater. What usage he hes mett with is notoure,
and tho you have no legal profe that it was done by the Earle of
Seaforth's order, yet you have what is convinceing, for the barbaritie has
been committed within my Lords lands, and none durst use such
practices ther without his order; and the cause of al is weal knowne, his
turning Protestant and marrying ane relation of my lords. Therfor in
justice my lord ought to be imprisoned if he doe not present him." The
writer suggests that Lord Seaforth should be charged on his bond
to appear, and warned of his hazard if he failed to produce "Ockon."

192. Letter, Sir James Ogilvie to the Earl of Marchmont, from
Whitehall, 30th September 1697. Thanking the Chancellor for his
success in preventing a mutiny designed at Berwick. Also sending the
deposition and bond of presentation of a man named Ogilvie, a merchant
in Edinburgh, who had been in France. On a former occasion he had
asked a pass from the Secretary to go to Holland, and returned with the
boat bringing the news of the peace. In an interview, however, with
the Secretary, he inadvertently admitted having been in France. He
was then told his life might be forfeited, and he was severely examined
by both Secretaries of State, but apparently without much result.

193. Letter, the Same to the Same. Whitehall, 9th October 1697.
"... I doe not hear that the king is expected sooner then the
midle of November. Ther is on Barklay hier, who is some of Sir Robert
Barklays of Pearstoun, who was taken in a Swedish ship coming from
France. He sayes he was only at Burdeaux, and that Robert Watson,
merchant in Edinburgh by indenture, was obligeed to send him to France.
He is now verie earnest with my Lord Tullibardine and me to procure
his liberation (he being at present in the messingers hands), and he is
willing to find baile in the usuall forme. We have lykewayes Arbuthnet
and Hay heir, whose circumstances your lordship knowes ... I
ame informed also that the inteir crew of the shipe that brought over
Arbuthnet and Hay are as yet detained prisoners. Your lordship shall
be aquanted with what we doe concerning all these, and if his Majestie
were returned I shall endeavor to knoue his commands as to what is
to be done with all those hes been in France. I ame sure ther are
abundance of them, and it would have been more proper to have
prosecute them in the time of warr then nou, but the Government hes
been hitherto verie mercifull," &c.

194. Letter to the Earl of Marchmont from Sir James Steuart, Lord
Advocate. Edinburgh, 18th October 1697. "May it please your
Lordship, I send you a parcel of letters, that no doubt will be verie
surprising. I receaved them just nou, and have not heard of a more
insolent action, and so openly avoed by the verie actors. I shall be
glad that my ladies capitulation free the gentlemen from their captivity,
but it is impossible the Government can pass such an insult. I hear my
lady is concerned for her brother and my Lord Saltoun, for thir wicked
men sweer that if they be not indemennified they will burn them quick;
but, my lord, I will offer no advise on the suddain, only wishes the
gentlemen prisoners were in safty, and then I should think that the
honour and interest of the Government should be vindicat. At any rate
I intend to give no answyer to Colonel Hill till I hear from your Lord-
ship."
[This is the first letter in the Marchmont Charter chest relating to
an episode which excited much sensation at the time, namely, the
outrage committed by Simon Fraser of Beaufort upon the elder Baroness
Lovat, and his violent seizure of her brother and Lord Saltoun. The letters referred to included, besides a despatch from Colonel Hill, a letter from Simon Fraser himself, giving from his own point of view an account of his capture of Lord Saltoun. A copy of this letter will be found on pp. 56-58 of Part VIII. of the twelfth report of the Commissioners on the Muniments of the Duke of Athole. There are in the present collection a considerable number of letters relating to this subject, many of them from the Earl of Tullibardine, who was the brother of Lady Lovat. But only a few are given here, as the letters are chiefly repetitions of each other, being couched in terms of great bitterness against the assailants, and urging that immediate steps be taken for their apprehension and punishment.

195. The first letter of Earl Tullibardine's which refers to the subject, addressed to the Earl of Marchmont, Lord Chancellor, is dated Whitehall, 22nd October 1697. In the postscript he says, "I have heard by this night's letters that Beaumont elder and younger have committed incredible barbarities against my sister Lovat, brother, and Lord Saltoun, which no doubt your Lordship has had an accompt off; and I little doubt you have been concerned to give effectual orders for punishing the actors as such crimes deserves, and that a strong party is sent to bring them prisoners." [A few days later he writes again in the same strain.]

196. Letter on the same subject to the Earl of Marchmont from Sir Patrick Murray, Edinburgh, 1st November 1697. Informing the Chancellor that a quorum of the Privy Council had appointed the Sheriff of Inverness to raise the "posse comitatus" of that shire, "and if that prove not effectual for bringing those rogues to order, he is to call Hill's regiment and five troops of my Lord Forbes' dragoones (who are lying towards the north) to his assistance, who are ordered to obey his call, and if it be necessary he is likewise to call for the assistance of the neighbouring shires... the business is now public, and I am affrayed the chief of those villains may make their escapes." The writer adds Lord Tullibardine had written expressing an opinion that the forces were too long delayed, but Sir Patrick thought it "safer now to use severities against them then when the prisoners were in their power."

197. Letter, the Earl of Tullibardine commenting on the situation, dated Kensington, 2nd November [1697]. He desires that a commission should be granted "to my father's men and mine to joynt with any forces to apprehend the authors and their assistants, and it will be a mean to take off the affront that our family has suffered by it that our men do bring them to justice. It seems there is much reason to look well to the country thereabout and to have forces quartered there, for my Lord Seaforth is continuing in his acts of oppression likewise. I doubt not but your Lordship will see that that business of O'Cons be effectually prosecuted and that my Lord Seaforth be brought to answer for it. These things concern both the justice and honour of the Government and do make a great noise here, and people take occasion to blame the managers that such things are done, but it's impossible to prevent some, tho' I am confident the courses that will be taken with the authors will make it appeare that the Government does act with authority and vigour."

198. Letter, on same subject, by Lord Forbes. Inverness, 19th November 1697. "In obedience to the counsell orders I made all the
hast possible to this place. I came here Fryday last, the Athol men were this length the night befor the herald came along with them. Saterday he went about his business. That noe time might be lost, I doubled the march of the troops, see that against Monday at three o'clock, against which time the fourty-eight hours were expyred, I had got four troops up. Immediately after denunciation I sent out three troops to joyn ane hunder and fyttic foot. I had posts to hinder there raising of the country, but the approach of the King's forces hindered them from coming to a head, though befor they were thought to be very strong. Next morning I marched out another troop and the rest of the foot. Captain Fraser with a few of his adherents left the country. The Lady Lovatt came that day to me to her house of Castle Downy. I sent partys of dragoons and foot everywhere but could find none in armes; this was in a place called the Aird. As for Strathbarrick most of thes men came in befor denunciation there being nine of them in the shereff's hands, I mean the leading men of the country. Since Monday last we had mort tempestous weather of snow and great frosts that was (sic) it difficult travelling amongst the hills. I brought back the troops this length and am falling on other methods to force thos who now lurk up and down; it is the hardest matter in the world to find any guides orgett intelligence; however, if they keep the countrys here about I hope they may be found. I will assure your Lordship nothing has been wanting in me to doe things effectually. I find for as many frends as they have there is a great deal of respect had to the Government, see as they will not openly assist him. Finding there was noebody of ane enemy, it being my Lord James Murray desyre, none of Athol men past the bridge of Inverness; this day they are gone home. My Lord James Murray and the rest of his brethren with there sister, my Lady Lovatt, are gone the low way to the Marques of Atholl's house, that all shadow of force or constraint on our side might be taken away. When first I waited on her I told she was at liberty and desyred to know whither she would stay at her own house. She told me she would goe along with her brothers to Inverness. She lay that night at a gentleman's house hard by, the people hereabout making a noise as if she were caryed away by violence. I went again to her to know her inclinations who gave me this declaration in wretting. As for other matters it not being injoyed me I did not medle. The shirreff remits ane amoicht of his diligence with a paper under her hand of her being at liberty. The effectuall way for bringing in such as are outlawet now will be the placing of a garrison in Castle Downy or Phanellan, which may be taken out of this garrison, that is for the Aird. As for Strathbarrick there is noe house in it, but it is surrounded with other garrisons. I would have left men there immediately, but would not adventure without your Lordship's order." He desires instructions as to the disposal and quartering of the troops.

[On 26th November Lord Forbes again writes from Inverness.

"... My Lord, since my last the storm has increased. Simon Fraser and his acomplices being few in number are retyroed above thirty myls from this. I have posted the troops, that if he come near the country of the Aird, if the intelligence and corresponents hold good, I may catch him, because it is impossible to march from that: place without his being acquainted. I have posted a troop at Dingwall in Ross, wherby I can enter my Lord Lovatt's country in ane hours time, if he shall offer to come. The other day he came within five myls of this with about twenty men, but retyroed immediately. I have still some partys out, but till there be a garrison in Phanellan or Castle Downy, in this
weather little can be done; the whole country are entirely addicted to him. Your Lordships orders upon all this shall be punctualy obeyed," &c.

199. Letter to the Earl of Marchmont from Robert (Macgill), second Viscount of Oxfurd. Cranston Macgill, 2nd December 1697. He reminds the Chancellor that it was not in his power to leave his own house because of the sentence of confinement under which he lay. "You can not but know how patiently I have suffered this eight years, neither would I give the Privy Councill any troubl on my account if absolute necessity did not oblige me to it." The writer earnestly begs permission to be in Edinburgh to attend to his affairs, and beseeches the Chancellor's influence on his behalf with the Council.

200. Letter from the Earl of Tulibardine to the Earl of Marchmont. Kensington, 16th December 1697. After referring to some matter of customs duty the writer says, "Your Lordship is certainly in the right that many abuses the soft and forbearing methods are taken, nay I find (as I touched before now more clearly) pains is taken to have it insinuate that there is no government in Scotland, which is the very words are saide, and that your Lordship has no authority, and that crimes are lett falle or but slightly noticed. I am informed within these two dayes that it is concerted that Earl Argile should be Chancelor. I challenged the Duke of Queensberry on it to-day, but he swears he knows nothing of it. I am apt to belive him, but I suspect much that the Advocat and Carstairs are pushing it. The last continues to work by the back door, and I reallly belive has been a black sight as we say, to Scotland, by misrepresenting honest men, and other methods which I shall not now insist on. I wish the ministers woud send up some here to agent what concerns them and recall Cairstairs. Your Lordship will take your own methods to forward at least the first, I meant to send up some moderatt discreet men; I kno it is designed by the ministers.

The King asked me yesterday if your Lordship was not grown old. I answered that you were not much older then the last yeare that his Majestie had apointed you his Chancelor and that your age did not hinder your doing your duty faithfully to him, and that there was none in the government could be more trusted to for your faithfulnes and sincerity; and then I begun to think that there had been some insinuations made, so I added that I belived some people did allledge that your Lordship had not that authority that was needfull, but I assured 'him that if I were yet to name one, I knew none was so fitt for that post, and that if you had caried highly some woud have been much readier to object that there was no living with you, &c. But before I had ended what I have writ, the King interrupted me and said that he knew your Lordship was a very honest man and that he had a good opinion of you." The writer further states that the King was uncertain about his going to Scotland and comments on a proposal to "break" the Scottish Parliament. In a postscript he says, "The pacquet that was due on Monday last with your Lordship's letters of the 7th came in this day [Thursday] at one o'clock, and the letters were so wet that I had much difficulty to read them and hold them together, and wee want still the pacquet that was due yesterday; it seems the wayes must be very bad and the waters very much up."

201. Letter to the Lord Chancellor from "Al. Anderson," Inverness, 17th December 1697. He writes that the Councils orders regarding the Frasers had reached him. "Since my Lord Forbes left this and that
they have been intercommuned, they are removed to the remotest parts of Strathglash eighteen or twenty miles from Inverness, where be reason of the distance of place, difficulty of its accesse especially the time of storm, the constant guards they maintain upon this side, all the country between being their friends, and even this town from whence we march favouring them, nothing could be attempted from this side be surprize or otherwise with any probabilite of succeasse. The garrison of Inverness being about seven or eight miles distant from the parts they haunt, to witt, Glenstrafarrer, Glencannich, and Guisichen, is reinforced from Fort William in order to surprize them from that side as the surer way, with whom I keep a constant correspondence to that effect, though ther is little likinghode of getting anything done, till the storm be over, that at present is very great in those parts. I had a man with them Saturday last, who gave the following account: That Captain Frazier was in Glenstrafarrer (old Beaufort his father I ame told is in Skie), with him was Ercheit, Kilbockie, Kilduthol younger, and his uncle sometimes called the Major, Struy, younger, Culmullen, and one McHuisten, all Frazer, and about twenty-four or thirty men, some of them with the livery of my Lord Tullibardin's regiment on them. As he was going thither he was challenged at six miles, and again at two miles distance from them. They seldom ly where they supp, and never stay more than one night in a place. I will strive to get intelligence of them and observe their motions, though at present they make very little noise where they are," &c. The writer concludes by asking if the orders of the Council are meant to warrant against all accidents that may occur in executing the orders against the Beauforts.

202. Letter from Sir James Ogilvie, Whitehall, 21st December 1697. Positively denying that the Earl of Argyll was a candidate for the office of Chancellor. "This is false to my certan knowlege for I know he neaver projects that imploymet. He hes on more lucrative and more suatable to his inclinations, and if you needed it against him or any other you would have all the assistance in my pouer," &c. [The Earl of Argyll and Mr Carstares also wrote contradicting the report, the latter also declaring that the report about the Parliament was likewise false.]

203. Letter, the Earl of Tullibardine to the Earl of Marchmont, Kensington, 31st December [1697]. "... I reade [to the King] your lordship's letter to me and the memorial to the Council from the African Company. His Majestie was not at all satisfied with the reflecting expressions, and hoped that your Lordship woud gett it waved from coming into Council in that manner, for if the English here gett copies of it, the King will be sett upon and all our nation by the English Parliament, which you may imagine will prove of bad consequences if differences shoud come between ether the King or his Parliament here or the two nations, as God forbidd. Wherefore the King expects that your Lordship will use your utmost endeavours to smooth things, especially at the time of the Parliament sitting here. Is it not possible for your Lordship to gett the Company to change the address and keep the matter of fact in and leave out the reflecting expressions? upon which accompt, it being a matter of State, it was very proper for your Lordship to keep itt up for some time untill you knew the King's mind, which is, that his Majestie allows your Lordship to signifie to the Company that the King has sent directions to his resident at Hamburg, as he writ from Flanders in July last, and that his Majestie does belive his said resident has not made use of his Majestie's name to obstruct the Company in the prosecution of theire trade. It is
not proper it be mentioned that the King has seen the memorial to the Council which your Lordship sent. I hope the above declaration is satisfactory, which is indeed an answer to your Lordship and not from the King to them," &c.

204. Letter, the Earl of Argyll to the Earl of Marchmont, London, 4th January 1697-98. Inter alia he writes, "This minute Whytehall is in fyr. All almost looking to the wtter syde is burnt down,; how far it will goe I know not. The gates are shut up so I can send no particular account." [See also letter of same date from Mr. Pringle supra, No. 169.]

205. Letter from Sir James Ogilvie. Whytehall, 5th January 1698. Acknowledging a letter written in Marchmont's "own hand," he says, "I cannot writ this with myne, for I find my eyes waile with the sitting up the last night and looking on the fyr. All the palace of Whytehall, at least what was built by King Charles the Second and King James, is burnt downe; there remains little but the banqueting house, and the Earle of Portland's lodgings, and both these were saved with great difficulty. My lord doth not goe till the next week, the greatest part of his furniture is at my house," &c.

206. In a postscript to a letter without date, but probably written on the same day as the preceding, the Earl of Tullibardine writes, "There happened a fire yesternight at Whitehall in one of the garrets, which broke out in a flame before the doors could be got open. It burnt so violently that ther is nothing left on the side of the privy garden, nor next the water till near Scotland yard, so that the King's apartment, and the Queen's, the Chappell, Council Chamber, guard hall, and, in short, all that was worth the standing at Whitehall, is burnt except the banqueting house, which with difficulty was saved."

207. A letter to the Earl of Marchmont from "And Kineir," dated Whitehall, 5th January 1697-8, says, "... This flying packet will bring your Lordship an account of the unlucky occasion why we sent no packet last night, for truly this Court of Whitehall was all in flames at the time. All the royall apartments with the King's chappell and gward hall, the Duke of Shrewsburys office, the Treasury Office, Council Chamber, the late King's new chappell, the long galleries with Devonshire's, Essex's, and Villars's, and several other lodgings are all consumed, and the ruine of the banqueting house itself very hotly disputed. And truly save that and our further end of the garden (which, blessed be God, has escaped) there is nothing left to bring any person about it. The best account we yet have of the occasion of it was the neglect of a lawndress in Colonel Stanley's lodgings near the river. There are five or six at least destroyed by it, but no persons of any note. This is enough of so melancholy a relation," &c.

208. Letter (unsigned, and writer not identified) to the Earl of Marchmont, dated "January 4th, 1697," but indorsed by him "4th January 1698." "My lord, I am informed by a very good hand that there is a discovery of a designe to have poysioned his Majesty in the sacrament wine on Christmas day, that such wine was actually prepared for him, but other things not being ready it was withdrawn again by the conspirators who are very confident they shall be rid of him before Lady-day. Some other discoveries of the same nature are made, and I know that depositions have been taken by Justice Arnold, whom I mention because I suppose your Lordship may know him, he being the
person that the Jesuites attempted to murder in the time of the Popish plots. This discovery is not talked of publickly, and known but to few. But I thought it my duty to impart it to your Lordship, and pray God to direct you and others of our patriots to such measures as may secure the religion and liberties of our native country whenever God in his justice shall think fit to punish us with the death of our most excellent prince, for then our implacable enemies will endeavour to overturn whatever he hath established.”


(a) Letter dated Culloden, 13th July 1694. Commenting on the state of the Highlands, and the difficulty of exercising justiciary jurisdiction there.

(b) Fort William, 14th August 1694. Dealing with the same subject, "which is one of the great and important interests of Scotland, to wit, how the Highlands may be made tractable to the Government and peaceable towards their neighbours. Your Lordship knows it hath been often attempted yet never effectuated but once, and that in Oliver's tyme by the same hand that is ingadged in it now. The circumstances of the people now are much lyke what they were then, and in all probability the methods of doing that bussines now must be lyk what was then practised. And just now being vpon the very top of it wee easily see into the bottom of all the affair and whither in reason its possible for it to goe. As I wrot to your Lordship formerly wee had begun to exact lists of all landed men and constant possessors within the Highlands, of all men liveing upon ther lands, and were takeing bonds of them in the tearmes of that last sent to your Lordship for ther peaceable behaviour. Wee [Colonel Hill and the writer] are now at this place which is the heart of the Highlands, and wher wee have gott the same obedience that wee had in the low countreys; and from our experience we see what may be doon, and what not, from whence your Lordship, when it is once laid before you, may see what ought to be doon and what not. My lord, ther are but two ways for securing the peace of the Highlands. One is to put them in such a condition as ther may be a possibility to live without ane absolute necessity of takeing away other men's goods for ther maintenance, or els to cutt them off; if the first can be brought about the last is to be avoided if possible. But that same first labors under two or three difficulties, which I should think insuperable, if I had not seen it made practicable in Oliver's tyme, notwithstanding of the lyke difficulties which stood in the way of peace then. The first that appears is this, the one half of the Brae-Lochaber, vpon which there doe live ane hundred and sixty or seventy families with ther Chiftain Coll Mackdonall of Keppach, doth belong to the laird of MacIntoshe. These have been possessors as long or before he was heretor; however, he hes had them these many vndr a removal because they will not highten ther rent to his lykeing. He made them lawless vnder the lash, of which they ly to this hour, so that if they remove they must dy or steal. To pay bygons brings them just to the same pass, and ther is a great incongruity that a pack of outlaws should possesse a gentle-man's estate, whether he will or not. The parrallel of this difficulty existed exactly in Oliver's tyme, in the persones of this same Makintoshe's father and Locheall. The last was intercomond, fugitive, and what not, because he would neither remove from, nor highten the rent of the lands of Glenluy and Locharkaik. But Locheall being greedy for peace, and quyett as Keppach is now, the English Government stopt Makintoshe his dilligence, receaved Locheall into protection, made both parties
acquiesce in tearmes, left Locheall and his people in a condition to live without stealing, after which tymne whill the regne of King Charles Second, ther was never on cow stollen in all the Highlands of Scotland. The second difficulty is, that though Makintosbe and Keppach were at a point, yet is it impossible for the Highlands to live, because all the pursuets for stealing and robbing, &c., that ever was commenced against the Highlanders since the 70th year of God, are now sett one foot again, and brought in before our Court notwithstanding of the indemnity, which they say remitta the cryme but not the restitution, so that if justice be done, twenty tymes the moveables of all Lochaber will not make vp the restitution; and our Commission allowing to impoy Colonel Hill's regiment vpon the poynding, wee must immediately have a thousand sterevinge divills brought to ane absolute necessity of stealing to fill ther bellys, and ready to joyne with any change that can better ther fortune. The parralell heirof was exactly in Oliver's tymne through the infinite disorderes of the civill wars, nor was there any other remeddy but to sett a broad foot vpon all. A third difficulty is, that some few barbarous people are so inured to theseweing and plunder as it is impossible to gett them brought from it. The answer to this is, were the first two difficulties lookt into, the better sort being bound for the rest (as now they are), they would without any more cryme delvery vpon the suspect persons in ther lists to be Dispose off for the peace of the country, as was done in Oliver's tymne, and then it is hardly possible but the same methods being prosecute now as were then the same effects behaved to follow. In a word, my lord, you will hardly believe what a tendency thir miserable people have to be quyet, and I plainly assert it were better the Government bought McIntosh his land and put the interest of the pryce as a few dewty vpon the possessors (as far as they could reach) then druye them to desperation; yea, it were better the State took up the clames for restitution, and laid on a moneth's cess or the lyke, for paying a composition to the cravers, rather than loss the occasion of turning this people from their barbarity. Many things concurr at this tymne with ther inclinations, which, if not improven, will languish, such as a comander mighty intent vpon this method and weell skild in it, a good garrison, a brave regiment, a minister, a good scooll, and several things more, which, if neglected, the people will become diffident, the great men's insinuations will take place with them, the Justiciary Court will lose its reputation (for as it is, I could hardly get a coram of them brought this lenth), men must fall into ther old slavery of paying black meall, and the future estate of this part of the kingdom will be farre worse as the former." The writer expresses a desire that more may be added to the Commission [of the peace?] in Fort William, that Colonel Hill may have a quorum. "The Perthshyre Courts have interfered with us now also, and Glengary, though he has given his bond hangs a tail a little."

(c) Culloden, 25th August 1694. "... I told you that Glengarry was drawing back; I had it then both from Locheall and Keppach, that they were solicite by him to the same purpose. The consequence is that last week about 80 head of cattell are taken vp out of Ross and traved in to Glengary. Withall I hear that Murray and Breadalbin's Courts at Creiff have split vp the indemnity, and have sent to Flanders for ane interpretation of it. It is no prudence to make desperate men off a sudden lyable for bygons; non hes greater reason to wish it then I, but I would not cast the country in a confusion for my particular. If I can live without it, I'd rather supercede it in eternum. Its fit your Lordship medle in this and acquaint the Secretary that he caution the King not to be sudden in the interpretation of his
indemnity. Were the Highlands peaceable and honest, great lords find that they would be no more necessary, and lest that come to pass, they will do all is possible to elide this Justiciary either by stretching of it so as multitudes must be made desperate or by enervating of it so as bad men may dispyse it,” &c.

(d) A letter, dated Channory, 14th December 1697, signed by the Lairds of Brodie and Culloden, who were sureties for Lord Seaforth, who had been cited to appear before the Supreme Court, declaring that his attendance was impossible, owing to sickness, and entreating the Chancellor to delay the diet of Court. [The remaining letters in the packet, seven in number, are not of special importance.]


(a) From “Elgin of Morray, 30th December 1696.” Referring to a subject dealt with in one of Culloden’s letters,—his relations to Coll Macdonald of Keppoch, whom he alleges it was Colonel Hill’s duty to have dealt “dead or alive” by a certain date, which had not been done. He desires the Chancellor to continue the diet of appearance “whereby the said Colonel Hill may be the more excuseless if he doe not apprehend the person of the said Coll McDonald against the said dyett, which he cann most easillie doe if he pleases; but he is such ane sinister, dangerous, and ill-helden gheust in the Government that he will pretend fair wher he is most foul, and ane arch cheater under the pretext and collour of honestie and ingenuite.” He desires extracts of the warrant from the Privy Council, that Colonel Hill may have no excuse, “for he gives itt now outt that Coll McDonald is gone for Irland, which is meer knaveishness, for he is kepted privatlie att home by his ordere, as I am informed in this place be the draught of Collonell Hill. My lord, wer I not most stedfast to my principles for the last Goverment, I hade no favour, yett wer they so just as to owne me against that nottorious and signall robber, murderer and rascall, and in this Goverment which I so stifflie owin I have hade all my losses of burneing my houss, lands and tenents, as ane commission of Parliament and counsell doth doth declair my losses to have been and to exceed the soume of two thousand nyne hundred and nyntie-six pounds sterling.” He enters further into his alleged grievances, but he says “I am able to serve his Majestie with two thousand men whenever his comand shall direct me when and wher. And did his Majestie butt know how much I am oppressed, my caice being singular, matchless, and unparalleled in the world, his Majestie would give me speedie relief and save my familie from being in danger of ruening, for itt is to be sure a faithfull, sincere, and most dutifull servant and subject I am to him, and no Highlandman except the Laird of Grante and, myselfe he cann assure himselfe off, as is notturlie weell knowin through all Scotland,” &c.

(b) After various letters relating to a Commission of fire and sword which he desired against Macdonald of Keppoch, Macintosh writes from the Isle of Moy on 4th February 1698, earnestly pressing that it should be granted. “If itt be any longer delayed, itt will undoe me utterly, for my design being God willing to possesse my lands in Keppoch and Brey-Lochaber in the begining of summer nixt; unless I gett the commission granted immediatly I may resolve to give it ewer qytt, my vast expenses being so extraordinarie great.”

(c) On 14th May 1698 he writes from Inverness, deprecating any hindrance to the passing of the Commission. “I find (he says) much friendship by Brigadier Maitland, present Governour of Fort William, who did the last week send ane considerable pairtie to seize Coll
McDonald and narrowly missed him, and he resolves to be very uneasie to Coll until he get him apprehended. Coll has made it his work in the night time to threaten the tenants and possessors of my land ther, boasting to take their lives if they should offer to tile or sove any this yeare, and the fellowes being timorous have not siven on pickle ther, yeet are most willing to settle with me if Coll’s person were either secured dead or alive. My kinsmen and I will, as soon as possible this summer, make in armes against those rebells, but the truth is ther is a great famine of wictuell and men in all our Highlands here, the wictuell being most scarce and drear, and many of the men dead, the lands being for the most pairet weast, yet, notwithstanding of all this, I trust we shall bring such ane good and formidible pairty to the fields as will be too hard for Coll and all that would payme if they but face us.” He again appeals for help in regard to the loss of his house, furniture, &c.

(d) On 15th August 1698, Macintosh again writes from the Isle of Moy, having apparently in the interval obtained the Commission. “My freindes and I did goe to Keppoch on our Comission with one considerible paartie off good resolute men, and we acted there as much as we could in so short a time by settling with some off the tenants who did take tacks from me. Several others of them hes not as yett come in, but I beleive will come in end. Coll McDonald his threatening and affrighting off them did keep them unlabering their lands the last spring. We did send three or four severall paarties whyle we wer in Lochaber to have seased the persons and goods off these rebells and the person off Coll McDonald particulerly, but the great mists upon the hills did Marr that interprye, since it was impossible while they wer abroad to see man or beast; and the last two onsets we made did sense many of the rebells goods and cattle which occasioned that some off them came in and settled with me; and we did build three sufficient timber houses in Keppoch for the use of the companie which lyes there of the King’s forces be order off counsell for keeping me in possesion off my interest there; and that and the Comission prooves terrible to these rebells and be time will doe, I hope, my busines. Only, the nixt summer, ther will be a necessite for my building a little ston house ther for my own use, butt these three last years bygon, and especialy this last year, hath been so bade here that all our lands are almost weist which has rendered such ane famin of both money and wictuell in thir places by reason off great earth that I was not able to build a ston house ther this year, my other Lochaber expenses havind drawn so deep upon me,” &c. He concludes by again reminding the Chancellor of his losses and claim for compensation.

211. Letter from Colonel Archibald Row to the Earl of Marchmont. “Edinburgh, 18th January, 1697-98.” [So dated, but apparently written from London.] He had delivered the Chancellor’s letter to Lord Tullibardine. “The kinge hes not yet had time to enter upon the Scotts affaires, onely Major-General Ramsey is gon to command the troupes in Holland. . . The Parliament has settled 10,000 land forces and halfe pay to all the officers that are to be disbanded whose are naturall borne subjects of England. They are about modelin the mellitiae for defence of the country, but its thought they cannot make great progress in that. My lord Burlington dyed twoe dayes age and lefte 20,000£ a yeare to his grandson, my Lord Clifford, with a stone better than all that; whooeuer weares it about there necke are not to dye till after the age of foure score. He lefte y 78259.
annother brother of his, Hary Boylle, 4,000\textsuperscript{i} a yeare and 6,000\textsuperscript{ii} in money," &c.

212. Letter, Sir James Ogilvie to the Earl of Marchmont. Whitehall, 16th February 1698. \textit{Inter alia} he writes, "The first thing you will have to doe now will be the settling of the garison of Fort William [where Colonel Hill's regiment had been disbanded and replaced by that of Brigadier Maitland]. Livetennet-Colonell Forbes will certainly be usefull to the Brigadeer ther, and if also some of the best of the former regiment be taken on and employed in each companie they will have the benefite of knoweing of the countrie almost as well as the former did, and the officers and souldiers of that regiment have the reputation of haveing behaved verie well upon severall occasions abroad. The sooner they are settel ther, it is the better, because of the many disbanded louse men that will be now in the Highlands, and it can not be thought that the former garison will be so cairefull as otherways they would be if they hade been to continue," &c.

213. Letter, the Earl of Tullibardine to the Earl of Marchmont. [Not dated, \textit{circa} 20th February 1698.] A long letter commenting on the treatment of Sir William Hamilton, of Whitelaw, Lord Justice Clerk, whom the writer wished to be President of Session. "... Honest Cairstairs has been a great instrument with Earl Portland to obstruct this by which you may judge of the man, but if your lordship consider whom he has always joined himself to, as Lord Stairs, Lithgow, Broadalbane, &c., its evident his designes are not good. ... I know I need not caution your lordship to be on your guard with Cairstairs; if you heare him, belie him not, for I assure you no man can be less trusted or is more capable to deceave. That a churchman should medle with Court and State is intollerable, and which never succeeded to the advantage of any nation or honest men, nor its likly ever will for they act without their sphære and God does not bless their undertakings. This honest man, Carstairs, pretends he goes about private business, and Secretary Ogilvy says the same, but I have grounds to know that he has other affairs to manage; he is to try the puls of people and how some things will relish with the next Parliament," &c. [The writer proceeds to more general matters of less importance. This was almost the last letter he wrote, as Secretary of State, to the Earl of Marchmont, as on account of the appointment of Sir Hew Dalrymple to the presidency of the Court of Session he demitted office. There are several letters on the subject of the appointment, but they are not of sufficient importance to be reported on at length.]

214. Letter, the Rev. William Carstares [address wanting, perhaps to the Earl of Marchmont, then High Commissioner for holding the Scottish Parliament]. Dieren, 19th August 1698. "My Lord, the account your lordship honoured me with of what past as to the African Companie did give me very much satisfaction, and so much the greater that the ending of that affair so smoothlie seems to have putt my Lord Commissioner above all his difficulties, that now I hope his Grace is in a capacitie to bring this session of Parliament to a very happie issue ... his Majestie is fulie satisfied with his zeal and care," &c. [In another letter, same place and date, to the Earl, Mr. Pringle, Under Secretary of State, writes, "His Majestie must certainlie be pleased with the issue of ,this affair of the African Companie, for I think our wishes could not have formed a more favourble on, and I doe heartilie
congratulate the good success your Grace has had hitherto in your
management which I hope shall continue till this session is brought to a
happier close." On 15th September 1698, both Mr. Carstares and
Mr. Pringle wrote from Loo, each almost in the same words con-
gratulating the Earl of Marchmont on the happy issue of the Parliament,
which was acceptable to the king.]

215. Letter signed "John Coventry," addressed to the Lord High
Chancellor of Scotland. Edinburgh, 12th September 1698. Craving
pardon for his presumption in writing to the Earl, he proceeds, "It has
been (I hope I may say) my good fortune to have lived many years in
East India, where I had the advantage of improving my time as well in
informing myself in the nature of the commerce there, as in the manner
and constitutions of their Governments, which may in some measure be
serviceable to the country of my education, to which, upon my return
from India, being satisfied by the Act of Parliament of the great
advantages, it might reap by an East India trade; and finding some as
well of the nobility as of the gentry and merchants upon discoursing
with them inclined therto, I thought the only demonstrative way
would be to erect or raise a scheme of a voyage thither, which, being
done, gave such encouragement that my Lord Tarbat with some others
have obtained a commission to send out a ship thither, as is intimated by
the printed preliminary presented [to] your lordship by myself." He
desires the Chancellor to encourage the enterprise by being a
subscriber to the scheme.

216. Letter from "Jo. Dalyell" to the Earl of Marchmont, Inverness,
6th September 1698. Intimating that he had sent a party to "Chanarie"
seize the person of Dr. Cornelius Con, without success, as Con had
gone to Edinburgh. He asks for further orders.

217. Letter to the Chancellor from Dr. Cornelius Con. "December
the 22nd, 1698. My Lord, I am those fifteen weeks close prisoner
incapable to write to my country or friends for a supply, daily running in
debt here and not able to pay it, as I have signified in my petition to
the Lords of the Treasury and has yet got noe answer or precept." He
desires a judicious hearing that he may know the accusations against
him. "I have been evermore dutifull to Gouernment which occasioned
my sufferings amongst wilde varuly persons, and though I am a stranger
in Scotland, yet am a loyal and real subject to the King of Brittaine and
therefore expects justice. I came of my free accord to give the
Gouernment an account of my sufferings and of my persecutor against
whome I libbed on a bone, and did expect better encouragement then
imprisonment." He asks to be set at liberty, have his wants supplied,
or to be permitted to write to his friends. [The circumstances of
Dr. Con's ill-treatment by the Earl of Seaforth and the hardships he
endured are related in a letter reported on by the Commissioners in
their Twelfth Report [Appendix, Part 8, p. 55] on the muniments of
the Duke of Athole. On 18th January 1699, Con again wrote from
Edinburgh Castle, complaining of the extremity to which he was
reduced, and desiring to know how he had offended the Government.
By the 4th of May in same year he, through the influence of the
Chancellor, had more liberty. He writes on that day hoping he may
get a certificate from the Council of his sufferings for the Protestant
Cause. " . . . this castle is a poor place for a weak purge, yet is a
paradise to me in respect of the Papisticall Purgatory the eight years.
I question if the Pope will so soon get out of his purgatory if he goes
there." He then refers to the evidence he can produce against Lord Seaforth.]

218. Letter to the Earl of Marchmont from John [Paterson], bishop of Glasgow. Gogar, 24th January 1699. Asking the Chancellor's influence to procure his enlargement from his "long restraint and confinement. I suffer much in my little concerns at law, throw my incapacitie to attend them at Edinburgh, as also my poor children are at a great and sensible loss in their education thereby." He therefore pleads for liberation.

219. Letter from the Marquis of Winchester and Henry, Earl of Galway, joint Lords Justices of Ireland, to the Chancellor of Scotland. Dublin Castle, 4th February 1699. In answer to his application for a supply of meal and malt for the use of the garrison at Fort William, they say that they are very desirous to preserve a good understanding between the two kingdoms, but that "the whole [Irish] Councill have been of opinion that the exportation of any meat or graine, especially so great a quantity as has been desired, cannot at this time be permitted without the greatest inconvenience and clamour of the people, the scarcity here being already so great that the House of Commons in their late session desired we would renew the orders that have been given not to suffer any corne to be exported except the necessary provision for shipping." They remind the Chancellor that 350 barrels had been ordered in the previous year but never shipped, supply having been obtained elsewhere."

220. Letter from Sir Patrick Home [of Renton] to the Earl of Marchmont, Edinburgh, 20th April 1699. Informing the Chancellor that, in answer to complaints by the ministers as to Popish meetings, "the magistrates, upon Sunday last, sent a party of the Town Guard to the Duke [of Gordon's] lodgings in the forenoon, and the gates being closed when they came. But after some time, they being opened, the guard found above 40 persons conveened in the houes, no doubt in order to hear mass or sermon or both, and there was about 24 men and the rest were women. They were all mean persons, except only Clerk of Wrightshouses and a brother and a son of the Lord Glassfoors." The men were all sent to prison, but when they were examined on the Monday there was not sufficient evidence of either mass or sermon, and they were set at liberty. [Sir Gilbert Eliot writes to the same effect.]

221. Letter from "George Gordon," King's College, Aberdeen, 26th April 1699. Referring in an indescribable manner to some one, probably a Roman Catholic, whom he has been asked apparently to apprehend. He does not doubt that if the person in question is in Strathbogie or the Enzie "my friends there will be able to find him out to me, or I shall be able to make the discovery myself. . . . If I mistake not very much, beside the marks your Lordship gives me, he is likewise described by his broad way of speaking, but whether he's ane Irish or Scotsman is what I cannot remember." He wishes information of the person's family or parentage, and will spare no pains to find him out.

(b) On 6th May 1699, the same writer, dating from "Rawes of Strathbogey," says, "I have been here and at Fetternear, and some other places in this countray these foure or five dayes bygone, and most of my company is Jesuits and other Popish priests (who, by-the-by, are
acquaintances. Some of them are very uppish upon a most flagrant report and noise of an intended invasion, but Dr. Jamesone and Father Dunbar doe assure me (and I confess they are two of both best sense and intelligence among them) that not a man of their friends at St. Germaines writes one word of this, nor are any of their King’s friends acquainted with any such designe. However, they say that notwithstanding of this they will not hinder the propagation of it even among their owne accomplices, because they are satisfied to have them believe that still there is some life in the cause. I have as yet made no discovery of any laick stranger lately come to this countrey. Two Benedictine monks I met with t’other day, whom I knew formerly at Ratisbonne, who are come lately hither for propagation of the faith, but they talk of nothing save the Duke of Berwick’s reception at Rome, which they are made beleive in Germany portends some great matters, tho’ others of them will have him allready returned againe to Dunkirk with vast remittances of money, &c., which I find the wiser sort of them smiles a little at. But whatever be in this, I find they are all persuaded that there is some great designe on the wheels. In the meantime I am a little difficultd for want of a commerad of sense and experience, and sufficient honesty to whom I might have imparted my designe and entred into concert with, which would have extremely facilitat my business in case I had been so lucky as to find out the gentleman I want. However, I have taken a resolution, which I judge necessary to impart to your Lordship timeously, and it is that in case I succeed I’l immediately score out my owne name out of both warrants, and fill up the name of some officer or friendly and trusty magistrate in whose honesty I know I can confide. Of such I have alreadly two or three with whom I have setled correspondence, but have sayed nothing of this secret, and if I find that time will allow I’l cause seize, and take myself prisoner as well as my friend, by which means I can both secure myself against any outrage from the accomplices of such a villain, who I know would bogle at nothing, and may likewise continue in a capacity of doing the Government any other small service that lyes within my narrow and weake reach. But in case time and other circumstances will not allow this precaution, I am, through God’s strength, resolved rather to venture my life than faile in the designe if it come to that push, which I wish with all my heart may be.” If the Lord Chancellor disapprove this plan he is to inform the writer, who thus proceeds, “I doubt not but some of these with whom at present I am could give me some information of Sir George, his countrey, &c., but I dare not speake of his name least they smell a rat; however there’s one of the most pragmattick among them that loves a bottle, and I designe to make a shift to get some water to the pump; but I’m much mistaken if the Duke of Gordon does not know him particularly, and I apprehend it were no difficult matter for your Lordship to get a particular account from him,” which the writer hopes may be done as soon as possible. In a postscript he says, “I, haveing a colleague of my owne name, your Lordship may be pleased to cause designe me Professor of the Orientall languages,” &c.

The writer of the above was suddenly summoned to Aberdeen, whence he writes again on 15th May 1699. He had heard of some strangers who had gone up Deeside and had followed them, but found none of any note, “save one, Bailie David Edie, who is lately come from France, where he declared himself Popish.” The writer had still no success in his special mission. [From an allusion to “Sir George” in the second of the above letters, it seems not improbable that the
person whom the writer and the Government desired to secure was identical with a person named in a letter to the Chancellor from Sir James Steuart, Lord Advocate, dated Alnwick, 8th April 1699, where he says, "One thing I must again write to your lordship, which is that inquiry is desired to be made for Sir George Barclay, the assassin, if arrived in Scotland. It is informed that he landed lately in the north of England, and that he is of a middle stature, red faced, lame of a hand, and about 60 years of age. It would be great service to find him out; there is 2,000l. sterling set on his head." The advocate wishes private inquiries to be made in the first place, afterwards a proclamation."

222. Letter from James Ogilvie, Viscount of Seafield, to the Earl of Marchmont, Whitehall, 5th October 1699. Informing the Chancellor that the "bad news" of the desertion of the Colony of Darien by the Scots was true, and that they had "arrived in a miserable condition at New York. They suffered much by the rainy season and for want of provisions, and it seems they had no intelligence from Scotland from the time of their setting until the time they broke up."

223. Letter, Mr. Robert Pringle, Under Secretary of State. Hague, 13th October 1699. Writing about the memorial given in by the French Ambassador, he adds, "I am sorrie the misfortune of our colonie which we have now confirmed puts an end to all. Your Lordship cannot imagine how much all here are surprised with it, and I am afraid that both the interest and credit of our nation, and also his Majestie's service may suffer verie much by it."

224. Letter from Sir David Home of Crossrig. Edinburgh, Friday, 20th October 1699. "My Lord, my inclinations lead me much to retirement where I think I have not a call abroad, and it is well it is so now when there is such a ferment on the spirits of most that I am ashamed and afraid to mention what I am told is openly spoken here. I wish the King may be prevailed with to follow the counsel of the old men to Rehoboam, and the more spiedly and frankly the better. On Tuesday last the Duke of Hamilton came to town and is here still. On Wednesday the Council General of the Company [the Indian and African, known as the Darien Company] met, and after some debate and struggle voted and carried an address be made to the King. A committee was appointed for drawing it, which returned the draught yesterday. The address is approved for calling the Parliament, that his Majesty in Parliament may take their disaster to consideration and fall on means for supporting them. I hear the address is to be sent to the Secretaries. They have also agreeed on an adress to be made to the Privy Council to lay their case before them, leaving it to themselves to take what part they think fit in that affair. . . . On Wednesday it was moved the Moderator of the Generall Assembly should be desired to call the Commission for indicting a fast on the present exigent."

225. Letter [not signed, but in the handwriting of Mr. Gilbert Eliot]. Edinburgh, 21st October 1699. "The deserting of Caledonia being imputed to the proclamationes published in the English plantations hath (no doubt) given occasion to many of these interested to vent themselves very impertinently at the first report of the settlements being forsaken for want of provisions. But the extent and authentickness of that first information being now much called in question,
the general warmthness upon that head is proportionally abated among
the vulgar, with whom a wonder lasts but nyne dayes. However, the
directors and councellors of the Company are much quickened and
zealous in their measures upon these news, for byside that the directors,
upon the first arrivall of that intelligence, sent expresses to several
places of the English plantations, with credite to the value of 3,000l,
starting (for which they became personally bound), for reviving and
restoring the colony ather by prevailing with them to return, or with
Jamison to take possession of the place untill the 'Rysing Sun' arrived.
Ther Generall Councill meeting upon Wednesday last to the number of
43 members obledged themselves personally for 3,000l. staring
more, wherein they were unanimous except 5, wherof Sir James
Dalrymple was one. The Duke of Hamilton wes in town, but not
present. The Marquis of Tweeddale presided, and persons of quality
were present, Earles of Leven, Annandale, Northesque, Tullibarden,
Lord Yester, Lord Ruthven, President of Session, Thecauer Deput,
&c., Sir John Hume, Sir Patrick Scott. Mr. Francis Montgomrie was
not in town." The writer then refers to the voting of the addresses.
The address to the King was agreed to, but that to the Privy Council
was opposed by the Privy Councillors present, though it was carried by
a majority.

226. Letter from the Viscount of Seafield. Whitehall, 2nd November
1699. [The address to the King had been sent up and presented.]
"I have delivered to the King your Lordship's letter, and now you will
have clear directions how to proceed upon the adress to the Privie
Council, for the Parlament is alreadie adjorned till March, and the King
hes given his owne answer, so ther is no place for the interposition of
the Privie Council. Your Lordship may also insinuat to such as you
pleas that it is most unusual to have the Parliaments of both nations sitting
together, and the members of Parlament will not be the worse that
they have some time to think on this affair befor the meeting of the
Parlament, and this part the King refuses verie smoothlie, and
materiallie grants the other part of the adress. He is fullie informed
how this adress hes beene caried on, bot he is a wise prince and readie
to pleas his peopel, seing they are in such a ferment; but he is verie
weal satisfied with what thees of the Privie Council acted in the
Council of the Companie, and if your Lordship stand by them and
incourage them ther can be no difficultie in the Privie Council. Your
Lordship will also, as you have occasion, make Parlament men and
others understand that it is hard to lay al this loss on the proclamations
when the accoment in the directors' hands bears devisions amongst thos
of the colonie and that they had nether money nor credite, and that al
hier doe affirm that money or credit would have got abundance of
provisions even after the proclamations. It is also said that the place
is unholsum. Your Lordship knows too hou his Majestie is in ane
ailence for the good of Europe and most keep measures with them, bot
if your Lordship and others will leat in a prudent maner the true mater
of fact be knowen, it may doe the King great service. He is also
positive that thos who speak openlie against his Governement and almost
avouedlie drink King James's health, that they be takne notice of, and
he is for vigor with prudence, and thinks remissness in thos maters
will doe prejudice; bot as for Darien, peopel most not be so severilie
challenged, I mean tho they speak rashlie considering the great loss it
is both to the nation and to particular persons. This is al writn by his
Majestie's command, for he spok verie weal and fullie too us," &c.
227. There are several letters touching incidentally on the subject of the Darien Company and the disaster, but containing nothing of importance. The directors prepared another address and sent it to Court with Lord Basil Hamilton, of whom, on 26th December 1699, Viscount Seafield writes, "I must also acquaint your Lordship that his Majesty has appointed my Lord Carmichael and me to intimate to my Lord Basil Hamilton that he will not allow him access, since he has been in the place since his Majesty's accession to the Crown and did not wait of him, and since he has not hitherto owned nor acknowledged this Government he [the King] will not receive the petition from him, but he will not refuse to receive information of what is demanded, and we will give it, and his Majesty will give the Company his answer. This was his Majesty's own resolution, for he knew the matter of fact better than we did. Yet let not the Company think that he refuses to receive the petition, tho' he will not allow Lord Basil Hamilton to be the presenter for the reasons he has given," &c.

228. Letter, Mr. Robert Pringle. Whitehall, 25th January 1700. "... Our affair of Darien should have been yesterday under the consideration of the house of Lords and this day of the house of Commons, but the first adjourned it till Monday and I hear the last have dropt it, so that its thought neither houses will meddle more with it; neither is there such a talk of an Union as hes been for some time bygone, for which manie are sorrie, being persuaded it would be the most healing measure in the present juncture, and manie wonders it was not formallie proposed by Court," &c.

229. The same writer on 15th February 1700 says, "Your Lordship hes berewith the address of the house of Peers and the King's answer, with which I trust our countrymen ought not to be dissatisfied. In pursuance of what the King recommends to the Lords about an Union, they went into the consideration of it on Tuesday last, and appointed a Committee to inspect the records of Parliament as to some steps were made in order to an Union in the time of James 6 and Charles 2nd, and to report, and there that affair lyes at present. So farr as I understand there is a great disposition towards it in the house of Peers, but that it will meet with much opposition in the house of Commons, so that there is no great prospect of its being carried there. The Court seems verey forward, and I hope sincerlie, and notwithstanding the pains taken by some to persuade people that the steps of the Court in order to it are but a shamm and to blind, I cannot be induced to beleive it, for I think it is obvious how much it is the interest of the Court to persue that measure in this juncture," &c.

230. Letter, the Viscount of Seafield. Whitehall, 26th March 1700. Referring to the general national address sent up from Scotland, he says, "The Marquise of Twedle and those that came up with him were allowed yesterday at 4 a cloak to kiss the King's hand and present their address. My Lord Marquise spoke some few words, but I did not hear them, and then the address was presented. The King desired one of them to read it, so Sir John Home read it, and afterwards his Majesty's answer was to this purpose, 'My Lord, you could not but know that I have already appointed my Parliament to meet the 14th of May next, and you could not expect that I could call it sooner; had you considered this you might have spared the labour of coming hither to present this address.' This was the summ of what passt, and
immediately after his Majesty went out of the bedchamber to his coaches, and so went to Hampton Court. He is to be back to Kinsington this night, and to-morrow or Thursday we are to have an audience concerning our Parliament affairs," &c. [See a similar version of the interview, with some additional particulars, quoted in J. H. Burton's History of Scotland, 1689-1748, Vol. I., p. 330, note.]

231. Letter, from the same. Whitehall, 5th April 1701. "... There are taken into custody here Sir Eneas McPhersone and one Innes, a priest, who is brother to priest Innes, Rector of the Scott's Collidge. Wee have found some of Sir Eneas his papers, and he has kept a very bad correspondence with the Earl of Melfort, for he has kept coppies of several of the letters he wrote to him. He wrote with great assurance that our Parliament would goe wrong in Scotland, &c., that all would go into confusion upon it. I bless God that the Jacobite expectatione was disappointed in this. Mr. Innes the priest denyes that ever he meddled in publict affairs, but there is no ingenuity to be expected from one of his profession, and therefore wee continue him in custody so long as wee can," &c.

232. Letter, the same. Whitehall, 18th November 1701. "The Earl of Hyndfoord and I did yesterday present and read to his Majesty the address of the Lords of the Privie Councell, which was also signed by all the Privie Councillors that are here. His Majesty did receive it very graciously, and did express a full assurance of the loyalty of all the Privie Councell to his person and government, and was very well satisfied with all their proceedings since the death of the late King James. His Majesty has signed a letter by way of answer, wherein he likewise takes notice of the indignity offered to him by the French King's owning the pretended Prince of Wales," &c.

233. Letter from Mr. Robert Pringle, Under Secretary of State. Whitehall, 10th January 1702. "... Yesterday the treaty of alliance between the Emperour, States of Holland, and our King was under consideration and approven of, by which the Emperour is to have under his pay 93 thousand land forces besides what the Empire maintains, the States of Holland 103 thousand, and the King of England 40,000, including the 10,000 already in Holland, and 100 sail of ships in line of battell, all which was immediatlie agreed to, and 40,000 seamen, nemine contradicente. ... Sir Edward Seymour proposed that the King should be addressed to take care that in the treaties his allies should be obliged to stand by him, untill he should have satisfaction for the indignitie put upon him by the French King's owning the pretended Prince of Wales, which was this day under consideration and agreed to," &c.

234. Letter, the Earl of Seafield. Whitehall, 24th February 1702. He sends the Chancellor's commission and instructions as Commissioner to the General Assembly. "I heartily wish your lordship good success in this matter, both for your own honour and the good of Church and State. For there is no doubt but that it will be a great disadvantage if there be any breach with the Assembly. The point your lordship has most reason to be afraid of is the asserting of their intrinseick power for the giving any handle to push that next Parliament. I am confident such of the ministers as are of experience will be for waving any dispute of this kind, since his Majesty dos maintain all the priviledges the Church can desire, for they have an Assembly every yeir,
and in the intervall have the Commission of the Assembly, and all the inferior judicatorys of the Church are countenanced and strengthened by the civil Government. But no doubt your lordship will fall upon proper wayes and methods to prevent any thing of this kind; I know the ministers have a particular friendship for your lordship which will much facilitat what you have to do." . . . "I doubt not but your lordship will hear from others that his Majesty got a fall from his horse on Saturday at hunting, and his collar bon is broke. It is sett again, and he has little or no pain, and is otherwise in very good health, so we hope that he will recover of this in a few dayes. In the mean time he signs papers and dos bussiness as befor. The King will not alou the Assemblie to assert ther intrinsick pover, wherfor your lordship will need to prevent it to come to a vot, for if it be voted it will be lost," &c.

235. Letter, the Earl of Hyndford. Whitehall, 24th February 1702. "Your lordship will hear by this post that the King by his horse falling with him upon Saturday last at hunting did break his collar bon near to Hampton Court, and after his fall went ther and had it bound up, afterwards defined and came to Kinsington that night. He hes been always very well since and in no manner of danger, blissed be God. He sleeps well and eats well, and his pain is now over except sometimes when he coughs. I waited on him in his little bed chamber, when he seigned the warrant for your lordship's commission with the instructions and letter to the Assembly," &c. In a postscript the writer says, "The king's hurt was on the right syd, and yet your lordship will perceave he wretts his nam verry well."

236. Letter, Mr. Robert Pringle, Under Secretary of State. Whitehall, 26th February 1702. After referring to the King's accident, and to a debate in the House of Commons on privilege, he says, "On Tuesdays last in the house of Peers, upon passing the bill for securing the King's person, in which is the abjuration of the Prince of Wales, the Earl of Nottingham made a discourse, as I am informed, to this purpose, that they could not reckon themselves secure in the setlement of the succession so long as the same was not done in Scotland, for that were to leaw a large gape for the Prince of Wales to enter at, and since the present Parliament of Scotland had not thought fitt to settle it further then this King's life (and in this mistake of fact the whole house of Peers seemed to be in), it was not from this Parliament they were to expect a good disposition either towards an Union or the setlement of the succession in the same way with England, and threfore he moved that they should address the King to dissolve the present Parliament of Scotland, and to call a neou on. I think the answer to this was that his lordship hinted at an Union, which they belived the greatest part of the houss would willinglie goe into, and the Duke of Somerset said he knew that it was his Majestie's intention to lay that matter before both houses verie soon, upon which a further consideration of it was dropt." The subject of the Union was afterwards recommended to the Houses by the King, "and there being a great disposition to it in the greatest part of the Peers and in all the Whigg partie of the houss of Commons, I hope it may be so advanced in this Session here as to make things easier in our Parliament when it meets."

237. Letter, the Rev. William Carstares. London, 28th February 1702. Referring to the discussion on the Union and the King's
recommendation of it, as "the true interest of both nations," the accomplishment of which he would look upon as a great happiness, the writer adds: "Lord Hindford hath endeavoured by letters to make the Assembly as easy to your lordship as may be, by shewing that the Earl of Nottingham's proposal, which your lordship heard of, ought to convince all honest men that it is their interest to be so concerned for the quiet of his Majestie's government as to doe nothing that may be in the least un easie to him."

238. Letter from the Earl of Seafield. Whitehall, 3rd March 1702. Also referring to the proposed Union. "In the house of Lords ther will be no difficulty, but the opposition in all appearance will come from the High Church party in the house of Commons. All that can be expected is that ther be commissioners appointed to treat the terms of an Union, that it may be laid befor the following sessions of Parliament of both kingdoms. I doubt not but ther will be difficulties in the adjusting of it, but it will prove so great a security to the religion and liberty of both nations that I cannot imagine but, if commissioners be but chosen and meet, it will come to a happy conclusion." Lord Seafield further states that Lord Nottingham's motion to dissolve the Scottish Parliament "was rejected by a great plurality of the Lords, as being a proposition inconsistent with the independency of our kingdom, and severals of the Lords did say that, since this was the Parliament that settled the Crown on the King, they had the more respect and regard for it. I shall be glad to have from your lordship an account of what steps were made in King James the Sixth or Charles the Second's reign in this matter; for the great objection that money of the English make is that they think it impracticable," &c.

239. Letter from the same. Whitehall, 7th March 1702. "I am loath to detain the letter herewith sent, and I only add that I am afraid you will soon have worse news then what it contains. I pray God may prevent my fears in this matter, but in case the worst should happen your Grace would need to take advice what is fit and proper for you to do as Commissioner, and I wish that the Assembly may have a happy issue, for much depends upon it, and I am confident the ministers who are of experience will very readily concurr to prevent all inconveniencys. My Lord Duke of Queensberry and all of us who sign the other letter desire to be excused for not giving you your right designation, for we were in confusion," &c.

240. From the same. Whitehall, 8th March 1702. "In our last your lordship was fully acquainted with the dangerous circumstances of his Majestys health, and it is with unspeakable greif that I must now let your lordship know that his Majesty died this morning about eight a clack. I pray God may avert the judgements that seem to threaten us by this great stroke. Wee have lost a gracious Master as well as a great King. There remains nothing for making his memory glorious but to support and carry on the designe of the revolution, which his Majesty has carried so great a length. This has engaged all us of the Privy Council here unanimously to enter into the measures you will see wee have taken, both by her Majestys letter and our own, to which I refer your lordship. Wee also thought it necessary to renew your lordship's commission as Commissioner, least it may be interpreted to be fallen, and you have als instructions to observe your ormer instructions, and I doubt not but you will take care to improve or her Majestys advantage the early engagement she has given to
241. Letter from Mr. Robert Pringle. Whitehall, 8th March 1702, informing the Chancellor that "this morning at eight a'clock died our great and worthie master, to the consternation and regret of all honest men." He states that "this afternoon those of the Privie Councell waited on the nou Queen before whom she took and signed the coronation oath," &c. [On 10th March the Earl of Hyndford wrote on the same subject. "The sad stroak we have mett with hes incapacitate me from wrieting till this day, and it being a subject so sad and melancolly I can insist no longer upon it, only we have lost the best of kings and kyndest master."]

242. Letter from John Lord Somers. 4th January 1704-5. Thanking the Earl for writing to him his thoughts upon the subject of the Union. In reply he writes, inter alia, "I have bin always desirous of an entire union between the two kingdoms, without which I have always feared it might be in the power of a designing and enterprising prince of our own, or in our neighbourhood, by taking advantage of opportunities to make either kingdom the means of ruining both." He thinks both countries should have the same Protestan succession settled. Also, "the proceedings in the two last sessions of Parliament in Scotland have very highly irritated people of all sorts in England. Blessed be the men who will contribute to calm things on both sides." "I fear in the ferment this country is in it will not be possible to persuade people to do nothing. I hope there will be no proceeding to censure laws or persons in Scotland, which I think would be wholly improper, nor to take notice of ministers here, which would be in a manner to justify the popular topick for declaiming in Scotland against English influence. I hope whatever shall be don will be with temper and moderation." [On the same subject, William first Duke of Devonshire writes, on 23rd January 1704-5, also alluding to the jealousies between the two kingdoms.]

243. Letter from "J. Urquhart." Edinburgh, 11th September 1705. Announcing the sudden deaths of the Earl of March and Lieutenant-General Ramsay, both on Sunday in the afternoon. "I am very sory at the ocation of those deaths, for it was after excessive drinking, and the people have a thousand extravagant stories in their heads upon this sad ocation, for ther was not a drinking man in Scotland that they could call to mind but was reported to be dead, as if they had made a tryst to have a drinking bout in the other world; and they spread abroad that Prince George was also dead for good company; and some busy people did impose so upon the surprise and credulity of the people that I never heard such a noise."

244. Letter from Lord Somers. London, 23rd July 1706. "I thought the best way I could take in acknowledging the honour of your lordship's letter of the 29th of December last was to let it appear how very

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much I was influenced by it, and therefore I have returned no answer
till the treaty was brought to a conclusion. I do not remember that I
ever read anything in my life with greater satisfaction. I thought I
saw your Lordship before me all the while; everything being so
exactly agreeable to the idea I had form'd of your lordship in my own
mind. I saw your generous concern for the universal and lasting good
of Brittain, your feeling recollection of our many great dangers and
deriverances, your joy in the prospect of peace and prosperity to come,
and your wise and fatherly admonition to improve the present oppor-
tunity, and what touch'd mee in particular, your very obliging injunction
to mee to vse all the little credit or interest I had to promote an entire
union; and to encourage mee the more, your lordship was so good as
to declare you believ'd mee to have been in some measure instrumental
to the bringing matters to the point they were at." . . . "I will
not pretend to say anything of the treaty itself to one who is so great a
judge. I hope your lordship will find it to be right and as it ought to
be, and then I will not doubt of your powerfull assistance in carrying it
through the Parliament. I cannot but hope the weight and consequence
of the thing will be too strong for factions and parties. The
establishing the Protestant religion, the setting the succession, the fixing
the monarchy, the securing the liberties of the people and settling peace
throughout the Island, are matters of such moment as I hope will never
e be thrown away for a humour or upon any private consideration. I
have had time during the progress of this treaty to consider very
throughly the state of both kingdoms and to be convinced of the
absolute necessity of a union; we cannot stand where wee are. In my
opinion if wee do not now become better freinds than ever, wee shall
soon be lesse so. This is the only juncture which has offered in an age
past, and which no man living can hope ever to see again. God grant
it be not neglected, but that amongst the many wonderfull blessings of
this year the union of Great Brittain may not be the least. I doubt
not of your Lordship's zeal in this matter, and that in a little time I
shall hear how happy and eminent an instrument you have bin in
making the two nations one."

245. Letter, signed "T. Wharton," probably Lord Wharton. London,
31st July 1706. Explaining his delay in replying to Lord Marchmont's
letter of 29th December last. "I was extremely well pleas'd but not
at all surpris'd to find that your lordshipp (who hath always been
eminent, as well for your good intentions to the publick as for your
knowledge and abilitys) should bee soe clearly satisfied of the de-
sirablest and advantages of an entire unioin between the two nations.
I must confesse it was ever my principle and opinion, and I little doubt
but that your noble countrymen att their returne will doe me the justice
to tell your lordshipp that (as far, as I was able in my little sphere) I
have acted an honest and sincere part in the promoting of it. I can't
but owne that the proposition your lordshipp did lay downe in your
letter of taking in the assistance of all persons who were known to bee
well wishers to this entire union, and of laying aside any exceptions or
differences towards the carrying on soe great an undertaikings, is what
would most have suited to my reason and to my wishes. Whither that
measure were strictly observed or if not, how it came to bee otherwise,
I neither know nor can determine; but I will now hope that since it
hath pleased God thus farr to carry on so good a work, and that the
treaty is brought to soe good an end notwithstanding any mistakes that
might be apprehended to bee in the first forming of it, I will hope, I
say, and bee confident that every honest man will now lay hold of and
embrace the opportunity which Providence hath put into their hands (and which in all humane probability can never bee offer'd again) of bringing the greatest advantages imaginable to both nations, of securing the Protestant religion, and the civil rights and libertyes not only of this island but of all Europe.” The writer encourages the Earl to further the cause of the union by his “wisdom and influence.”

[On the same subject, the Earl of Mar wrote, of date 9th February 1705-6, inter alia, “I deliverd your letter to the Queen, she was pleased to tel me your lordship had signified to her that you was for an intear union of which I was very glade, for certainly it is the solid fundation for putting the two nations on one bottome to all posterity, for settling our present jealousies and humours and to prevent all fears we may have of dangers to our present constitution; and as your lordship is convinced of the reasonableness and necessity of it as well asexpediencie, so I hope all good country men and who wish well to our present constitution will come heartily into it. England will hear of no other union thinking them all chimeras and sure Scotland cou’d have little suretie for any advantage we cou’d have by any except an incorporating one whereby we become all one people,” &c.]

246. Another letter from “T. Wharton.” London, 31st January 1706-7. Referring to the ratification of the treaty, and stating the course of procedure in the Houses of Lords and Commons. “The Lords will alsoe (in the meane time) have under their consideration the bill which will be brought in for the security of the Church of England, which was mov’d for by the Archbishop of Canterbury, as soon as ever the Scotch Act had been read, and perhaps it is fortunate enough that it should take its progress thorough that house first; where the Bishopps (who bring it in) are entirely well wishers to the union itself; and where there is, I hope, a certain majority that will bee as carefull as possible to avoide everything that may give the least jealousy or distaste, soe that I am confident the opposers of the union who laid soe much stresse vpon this matter in Scotland and who built such hopes on the consequences of it, will bee disappointed in their expectations from that stratagem. It is most evident that the Church of England might have rested entirely secure vpon the laws already made, and indeed that nothing that can be put into this law can make it safer then it is. (The same might perhaps bee said as to Scotland.) But as wee are convince that it was impossible for you to hinder that zealous part of your church to rest satisfied without the security given them by this Act, soe I am confident your lordshipp will give me credit when I tell you that the bigoted part of our Church would have been in a flame if the same care had not been taken of them. But the candour and confidence which your Parliament hath shewnne towards vs in relation to that matter will I hope prevale with the most zealous amongst vs not to give any manner of offence or jealousy.” The writer concludes by approving the method of election proposed of the Peers and Commoners to be sent up to the present Parliament, and expresses an earnest desire that Marchmont may himself come up.

247. Letter from Lord Somers. London, 11th February 1706-7. Dealing with the subject of the completion of the Treaty of Union, Lord Somers says, “I can never enough commend the firmnes and good temper which the freinds of the Union in Scotland have shewn from the first time that affair was brought before the Parliament, for I cannot but say the opposition was very resolute and artificial and malitious enough. I think wee are very much determined here, and
therefore I hope wee shall have the same successe and in a shorter time. Wee had much apprehension of the difficulty of your keeping your Church in any bounds of moderation, and I congratulate your lordship upon what you have bin able to do. The method taken in Scotland made it inevitable to have such an act here, but I hope you will find it conceived in such cautious and moderate terms as not to give any just occasion of offence in Scotland. And it is at last agreed to in both houses, so that now that nice part of our business is happily over, tho’ not without a considerable struggle in both houses here to have added such clauses as were thought not necessary for us, but might have bin very disagreeable in Scotland."

After a reference to the Act of Security and the election of members, the writer continues, “I must not omit to take notice of a matter of great moment mentioned in your lordship’s letter of the first instant. It is not possible there should be so great a mistake in England as to think an affair of so difficult a nature, and opposed so violently by various interests as the Union was in Scotland, could have bin brought to a conclusion without a great concurrence of well disposed, wise, and dextrous persons, and therefore it would be unjust to ascribe the merit of it to a few. As far as I can be informed, the Queen is determined to be fully acquainted with all the proceedings, that she may do justice to all by owning the services as they deserve. I hope this nation and Scotland and all posterity will applaud the happy instruments of uniting the two kingdoms. When wee consider the wonderful difficulties of bringing such a work to passe, wee cannot without astonishment see it brought so far towards a conclusion, and yet if a man reflects on the many disadvantages and dangers both kingdoms lay vnder while they continued two, it cannot but seem strange they could rest so long in a divided state.”

248. Copy letter, endorsed by the fourth Duke of Hamilton, who at this time corresponded with Lord Marchmont, “Copie of the laite Lord Belheaven’s letter of the 19th of June to me, 1708.” “London, June 19th, 1708. . . . Thursday night, we, the prisoner of the thrid squadrone, were all examined befor the Committe of Council, present the two Secretaries, Chancellor, President of the Privie Councill, Treasaurer, and Canterberry. Mr. Mason told me when I came to town upon Monday it was expected that I should at examination make a speech, complaining of the bad treatment I had mett with and desiering to know our accusers, or at least those who gave up our names or were the occasion of this measure of seising so many of her Majestie’s faithfull subjects without the least ground for so doing. . . . We [the prisoners] resolved to say nothing, but to anser the queries yea or not, or what naturally occurred from the queries. We were examined each man by himselfe and without seing his fellow-prisoners; immediately after our examination sent home with the messengers, so that none of us knew what was said by his neighbour. Your Grace shall have mine, at least the subject matter of it, tho’ neither in forme nor figure as it passed, because, indeed, it was a kynd of running fight forthought by the Treasaurer and unexpected by me. My Lord Chancellor asked me when I heard of the invasion first. I told him by the publick prints and no other ways. Then he asked me if I had any correspondence or particular knowledge of the thing by any person or message sent to me, or if I knew of any who keepe correspondence with France at that time, to which I anwered, No, upon honor. So I thought of removing, when my good friend the Treasaurer says, My lord, this is a very strange thing that their should
be no manner of correspondence kept with France when their are so many disaffected persons in Scotland; is it possible to believe the King of France would ever undertake to invade Scotland with so inconsiderable force without having a party willing and ready to joyn him? that such a thing is not to be credited, it choks common sense and reason. And, my lord, said he, I hope your lordship cannot nor will not blame the government for doing their deuty in securing suspected persons, certainly we would have been blamed if we had not done it; and a great daull to this purpose, and after all desired my opinion upon what he had said. Tho' I was surprysed at first, yet during the continuance of his speech I smoked his designe, that he was affrayed I should have maid a publick complent against those who had advised our confynament, theirfor he resolve[d] to be beforehand with me and cry where first, and soe to bring me to acknowledge that the government had but done their deuty in seising of us, or at least to hold my peace. Theirfor I said, My lord, in my humble opinion this is forrane to the matter in hand; I am only to answer questions relative to my own actings, and not to give my opinion of things, especialy of measures of government; upon which he urged the same thing over again in great earnestness, tho' in other words and maner of expressing himselfe. Then said I, Your lordship knowes me, and you know me to be a very plain man and a very free commoner. Theirfor I shall not decline to speak as freely as your lordship pleaseth, if it be acceptable to this honorable board. They bowed with their heads. Upon which I said thought their had been no correspondence with France upon this invasion, that I thought none of the prissoners guiltie, and that their was no necessity for seising and treating of us the prissoners as we have been used; upon which he desiered I might give my reasons. First, said I, your lordship must know that, befor their were any orders for seising any man in Scotland, Sir George Bing had chased the French fleet from of our coast, wes returned to the road of Leith with the 'Sallsberry' taken, and were lying at anchor several days. What ground were their then to secure privat peacable subjects, living quietly at their own houses, when the danger was in a maner altogether over? Next, all the prissoners came in willingly; what necessity then to put them all in prisson? Then their was no accusation, no letters or ciphers intercepted or messengers seizd, nor any maner of evidence to infer correspondence at the time of our being secured nor ever since, it being now above three months. It wes reallie a surprysse to the whole nation; if the 'Sallsberry' had not been taken most people would have thought it a scham plott; in short, the busines wes over befor the on halfe of the nation had notice of any such thing, wheiras, if their had been a correspondence or invitation as wes at the Revolution, many things would have appeared that might have given light to the thing. But, my lord, it being hard to prove a negative, if your lordship will be pleased to hear such of us in our own case, we will give you such satisfaction as I hope shall convince your lordship of the prissoners' innocenc. Theirfor, my lord, I shall not enter into the detail of every man's case, nor into the reasons of the causes and reasons of our committment, only in generall allow me to say that, considering the persons and caracters, circumstances, tyming, and maner of our being committed and sent up heir, the affair doeth merit your lordships' inquerie. Upon which the Treasaurer said, 'Tyming, tyming,' tuise over but stoped, for which I was very sorry, for then I had gott ane opportunity to expose the whole treatment, with observations, &e. But presently his lordship said this, My lord, its very strange, none guilty, no correspondence; pray, my lord, what
doe you think hes engadged the King of France to invade your country with so small a force? this he said with a little warmth. Truely, said I, my lord, I shall give you my opinion; that which hes deceaved England hes deceaved France, your publack prints are full of falsehoods and misrepresentations of things and persons; by the generall opinion heir, all the antiunioners in Scotland are accounted Jacobites, yet it is weel enough known to your lordship that the whole body of the common people of Scotland and the farr greatest part of the nobility and gentry were against the Union. Now the King of France, finding this to be so, he had reason to venture a fair tryall for so fair a prospect, and consequently your lordship's opinion of us the antiunioners hes been the occasion of this invasion. And I hope a good consequence in favour of the antiunioners followed upon it, that whoever they be that took us for Jacobits are undeceaved, since I may boldly say we are as good and as faithful subjects as her Majesty hes in all her dominions. What, says the Treasurer, are the Jacobite who were antiunioners become good subjects? No, my lord, said I, I say not so, but the Presbyterians in Scotland were generally against the Union, that they were and still are upon a Revolution foote, that the effectuating of the Union hes not changed them from being on the same foot with those in England who are accounted the best subjects to her Majesty and her interst; and that the Jacobite antiunioners were not so considerable by themselves as that the King of France would have ventured over upon their call, so that, in on word, my lord, I think the King of France hes just done as your woollmongers heir in England doe when they carry over the wooll to France, notwithstanding of the severity of the law they venture still, for if they carry on often they are no losers. France thought, no doubt, but to have surprysed us and escaped the English fleet, and if not, he thought possibly the project would disorder the English measures as much as might compence his loss. After that the Treasurer said it was weell it did not succeed, but that he did not find us sensible of the seasonable assistance, for that he hard their wes as much present discontent in Scotland as ever, yesa more too. That is only, my lord, because of our being treated thus, said I. Then his lordship said we were much obliged to the Union for the seasonable help, and he hoped we were now sensible of our benefite by the same. I told him, now that the thing wes done, the antiunioners would no doubt imploy the outmost of their powar to make it advantageous for the peace and weellfare of the united kingdoms, and that we were her Majestie's faithful subjects as weell befor as since the Union, and hoped she would always take care of us. Upon this, the Treasurer said, Do you think England would have been so concerned in you if the Union had not been? Yes, said I, they would do the same. Why? said his lordship. Because of interest, and I doe remember, my lord, said I, I saw Van Gent in the road of Leith cannoning our coast touns, and immediatlie came up a Sir Jerimie Smith almost as ready as Sir George Bing did upon the French; to which he did make no reply, and so I maid my bow and went off. Not on speak all the time of this conference; the Chancellor and Pembridge smyled several times. I could not see Sunderland's face, his back being to me, but next morning I sent Masson to enquyre at Sunderland if I had offended in anything I had spoke, and that I suspected the occasion of all this long conference was least I should have sent in ane accusacion, and my lord's answer wes that I had not offended, and that he was of my sentiment. . . . We were all bailed this day. Thanks to your Grace. Adieu."
249. Letter from John Lord Somers. London, 22nd July 1708. A very long letter detailing to Lord Marchmont the resolutions of the House of Lords upon the points raised at the election of Scottish representative peers in 1708.

250. Letter, Mr. Robert Pringle, apparently to Lord Polwarth, Whitehall, 8th April 1710. Inter alia he writes, "Your lordship has heard of the great ferment has been raised here by the tryal of Dr. Sacheverell, which has indeed been improv'd with wonderfull success, and hes verey much elated a partie whose real inclination we have not much reason to judge to be verey favourable to our present constitution. I shall not trouble your lordship with my reflexions on the behaviour of some of our countrymen in the last part of that affair which did not seem to be of a piece with the rest, but her Majesties speech gives us ground to hope there shall not at this time be those changes of her ministrie as hes been of late much talk'd off."

251. Letter from the same to the Earl of Marchmont. Whitehall, 6th November 1714. "... Your lordship's sentiments of the late change are such as everie one who reflects seriously upon the situation of affairs, not only in Britain but indeed throughout all Europe, must necessarily goe into; and if by our own partialities we doe not stand in the way of our own happiness, Providence has once more given us the agreeable prospect of a full security of all that mankind pretends to value; and I beleive there is no just measure can be proposed for making this effectual that the King will not willingly goe into; but then I am afraid I have said all, and as he cannot doe of himself, I am afraid he will find the same opposition to his own honourable heat and to his perfecting to us a compleat setlement as the late King did at the Revolution, which none knows better than your lordship. The party nou excluded from the management will leave nothing unessay'd to render all measures abortive that have a tendency to promote these good ends. They are numerous, have the clergy on their side, and consequently the people, are at present much at one amongst themselves, which I am afraid is not wholly the circumstance of these whose union would be the surest way of defeating the others designs, so that it may be fear'd the King has left the pleasant possession of much honour with suitable quiet to vieu a very disagreeable scene, which must present itself to him from that confusion he finds us in here, and from that humour of party, animosities, and resentments, in which he finds us so much acted. They are already on the cry of the danger of the Church, though they never had less reason; they lay hold of every step the King and his ministry are obleeged to make for rectifying the mistakes of the former, if they may not deserve something harsher than to be called mistakes, to infuse into the people an apprehension of a new warr, which, under the pressure of such debts as are already contracted, cannot be very agreeable. These are the arts of which they serve themselves to influence the elections; if they succeed they will be very uneasy and make the wheels goe heavy, otherwise we may hope the King may have an opportunity of setting things on a good foot. These are all my present speculations. As to the particular management of what relates to North Brittain, I must referr your lordship to the hands I have already named. I am only afraid the divisions that appear amongst our great men may stand much in the way of any just expedient might be propos'd for a redress of the grievances our peers and others have mett with since the Union."
252. Draft circular letter, dated Dunse, 25th July 1715, by the Earl of Marchmont, as sheriff principal of Berwickshire, intimating a threatened invasion by the Pretender and the preparations made by the Government. "His lordship therefore orders me to acquaint you to meet with the other justices within your district as soon as possible, and in the meantime to look watchfully about and observe carefully what happens in your bounds, and to cause the peace be kept, and immediately secure any person you are doubtful of, and seize upon any arms found in the houses of such persons."

253. Letter apparently from Alexander Lord Polwarth to his wife, dated London, 20th August 1715. (O. S.) Chiefly announcing the death of the French king [Louis XIV.] "on Tuesday last the 27th new stile about eight at night, and could not possibly have died in a more lucky time for our affairs."

254. Letter from James Stanhope, Secretary of State, transmitting to Alexander Lord Polwarth his instructions as Lord Lieutenant of the county of Berwick. Whitehall, 27th August 1715.

255. Letter from Adam Cockburn, Lord Justice Clerk, to [Lord Polwarth]. Edinburgh, 11th September 1715. Intimating the meetings of noblemen in the north and the setting up of King James' standard at Braemar, by the Earl of Mar, who "persists with great keeness in his designe. Whether the defeating the designe, Thursday's night, they had on the castle of Edinburgh will put a stope to their march southwards I doe not know. The designe on the castle was very well laid, it was discovered about nine at night, and as they had concerted they begun to put it in execution between 11 and 12. They were actually getting their ladder drawn vp by a sentinell they had corrupted within the garison. We have gote the ladder and other materials with a number of arms they left when they rone. The Highland men, above 20 of them were at Kinross nixt day ere they halted. We are bussied to find out the plotters; there are severals taken vp; some were seised, one coming from the wall with a fire lock in his hand without hat or widge, they call Captain McClean, another, Leslie, taken at the root of the wall, mistook the town guards for some of their own folks and gave the parolle which was St. Andrew. Had the castle been taken they were to a given the signal by three rounds of the guns, all their friends, were to hasten hither and the body of the Highland army was to march presently for the south," &c.

256. Copy letter (not signed) dated from Perth, 11th September 1715, enclosed in a letter to Lord Polwarth. "The repeated advices from all partes assure us that the Earle of Marr hath now about 2,000 foot and 500 horse in forme. The Marques of Huntly had rendezvoused yesterday at Badenoch. They are to joyne the morrow and these two will make 10,000 good, besides, they expect Seaforth and the other clans, and Teusday they are to encamp at the Muir of Blair. For that end their Commissary came on Fryday night to Coupar of Angus and ordered two oxen and ten sheep to be ready the morrow and fiftie bolls old oats for horses. They give out to their freinds they'll give Pearth a breakfast Wednesday nixt; wee doe expect it, and are in great pain since this day wee are adysed from General Witham that he cannot move till the Duke of Argyll comes. . . . Our dreads are great and ye may judge the consequence, especially since hostility is actually begun, for wee have intelligence that Invercaull's house was to be burnt.
this day upon Marrs parting from it. Bosewell of Balmouttie this morning was soe rude to make open a letter from the Duke of Athole to his shereff depute which he forced from a boy goinge with it express to Kilgrastoun. This was that gentleman's first warlike action in his rudd to the northern camp. Many are passing north with arms, tents, &c. The Government seems to abandon us, but wee must trust in God for his mercy in a good cause and venture one fire, and I beleive I shall be a warlike man myselfe in my old dayes the nature now seems to have formed me for courtliness. Adeiw." [There is also another copy of a letter addressed "To the Magistrats of Perth," giving details of the leaders and intended movements of the rebels, and which concludes thus: "They fear no forces, and are to go straight about Stirling and to Edinburgh, and by the by to take notice of the Magistrats of Perth, and are positive to have a party in that poor town that will open the ports for them. They have assurances thereof from their friends within the town. They may understand who went out from them this week, ask and see, but if this should faill by any regiments being brought there or otherwise, they can fill their ditches with corns from the fields. This is no jest, they will need to look for the worst."]

257. Letter from "George Drummond" (afterwards Provost of Edinburgh) to Lord Polwarth. "Monday, one aclock, 12th September 1715." Giving some reports of the rebel movements. He also states that in expectation of a second attack on the castle of Edinburgh "a lieutenant and 24 men of the town guard with 30 of us went out and kept guard at the back of it all night in Livingstones yards, but we had the pleasure of coming into town safe in the morning without having seen an enemy. . . . On Saturday, one of Arthur's accomplices called Johnstoun, an old servant of Leven's, was apprehended in the town; he confesses he was with him Thursday att 9 att night, went in quest of him att the back of the wall att 11, says he mist him, owns he lay att a stouk side all night, but will go no further. He is in close prison feeding on bread and water. The other centinell confessed all on Saturday, but the corporal continues yet a disingenious dog."

[Mr. Drummond encloses a copy of a letter, not dated. "Upon Fryday last the Lairds of Invercall and Abergeldie deserted and went off from the Earl of Marr, having refused to go along with him to the hazzarding of their lives and fortunes, upon which his lordship threatened to burn Innercall's house. In two days, thereafter, the other gentlemen of the name of Farquerson in that country, being Innercall's friends, went of likeways, save one, who is a Papist, so that he has none of the heretors of Braermarr but two. The Earl, after all finding that Innercall had taken privately out his arms and what ammunition he had in his house of Innercall, wher his lordship is staying, seazed the lairld's officer who carried it off, and threatened to hang him, but the guard let him slip through their fingers." The letter also reports that Mar's men were summoned to meet with six days' provisions about two miles from Invercauld, where he was then staying "guarded by 60 men. The men belonged to Innercall and his friends are with the rest (being threatened to be burnt) tho' they are not very cordiall, their master being fugitive in the matter, neither doth the Earl trust any of them to gaund his person. . . . If the Earl do kindle fire in Innercall to burn it, he will be stronger than he yet is. That laird designs to attack his lordship with all his friends who will be stronger in that place than his lordship if he get no more than he yet has."]

258. Letter to Lord Polwarth, endorsed as from "Mr. Martin," 14th September 1715. Apparently from Edinburgh. That all was quiet
there, notwithstanding the alarm. That the Grants were "up in armies," resolving to stand their ground, as they had been threatened with fire and sword if they did not join the rebels. It was reported from Dundee "that most of the weell affected people there were leaving the place, having shipt off their best effects for this, and Meggin [Megginch] coming in from Perth gives the same account from that place. I was this night with one Captain Douglas of the Fuzeliers, who came from Sterling this morning, and gives an account that all was quiet with them, and that there had not one man deserted from any of their corps since they encamped there, nor yet upon their march, tho we wer much nois'd here with the contrair account," &c.

259. Letter to Lord Polwarth, signed "Will Hay." Dunse, 17th September 1715. "My lord, I have had the honour of yours, which is in a different strain of any I ever receaved from those in the Government formerly, who were pleased still to look upon me as a weell-wisher to my countrey and as no disturber of the peace therof, which I hope I shall still deserve. As for failing in my duty in not obeying a legall intimation for comparing, your lordship will be pleased to consider that the intimation and laues of the nation comprehends only those betwixt sixty and sixteen, of which number I cannot pretend to be. As for the people of this place, I hear there were betuixt two or three hundred yesterday who attended your lordship, though in the heat of their harvest, and, indeed, I did not know there were so many in the bounds. A walking sword is all the arms I have, neither musquett, gun, nor pistoll; I have six coach horses, a riding horse, a stallion, none of them of great value, and four or five work horses. If it give any umbrage to your lordship I shall in all submission dispose of them, and if your lordship have any further commands they shall be readily obeyed," &c.

260. Certificate by Sir Alexander Cockburn of Langton and two other Justices to Lord Polwarth. "Dunse, 21st September 1715. My lord, the bearer hereof, David Methven, hes agreed to goe as a souldier in this detacht party of the militia in lieu and place of one Robert Brown, one of those listed for the parish of Eccles for Mortonhall and Harcarse interest in that parish. Wee are of opinion that David Methven is a very sufficient man, so, if your lordship please, Robert Brown may be dismist and David Methven listed in his room." [Another document of a similar character, dated Greenlaw, 26th September 1715, certifies "Alexander Trotter in Chesters is earnest he may not com up till the nixt batalion march, considering he can not be understood, he stamers so ill, and that all the campanie hear wishes your lordship wold excus him. I likways plead for him," &c. "W. Carre." There are also other letters from various landowners and Justices of the Peace, showing the difficulty of raising men and money.]

261. Letter to Lord Polwarth from his father the Earl of Marchmont. "Redbraes Castle, Saterday the 1st of October 1715. I have credible intelligence that from the east border severall well mounted men in companies of 12 or twenties, and Tuesday last in the night sixty together rode through Lamermuir, asking the way for Lochariot, a place near Borthwick Castle, and from that to some places upon the water of Esk near which the houses of Drayden, Roslin, Dalhousie, and Hawthornden stand. Perhaps they are lurking there for advice from the rebells, whither to go and what to attempt. You
will make the best use you can of this account, which is all that I can give you at the time. I pray God to preserve and guide you and all our friends there," &c.

262. The Earl of Marchmont to Lord Polwarth. Redbraes, 6th October 1715, forwarding an express from Berwick, intimating a rising in Northumberland, "I immediately advertised the deputy-lieutenants, and shall do what I can for the safety of my children and family, and keep as strong a guard about my house as I am able. Adieu."

263. Letter from Fort William without signature or address, about the gathering of the clans.

"Fort William, the 16th October 1715. The 22nd of September Glengary, after having by a treacherous sort of stratagem surprized the King's guarnison in his house, march'd with about 600 of his own men and of the Grants of Glenmorison and Urchart through the braes of Lochaber to Glenurchy, where as I am informed he is still waiting till he be joined by the other clans in our neighbourhood. McDonald of Clan Ronald, having in the same maner and much about the same time surprized the King's guarnison in his house of Castle Tirholm march by the 30th to within two myles of this place with near the same number of men, and took the same route.

"October 7th. Stuart of Appin march'd from his house with about 400 men ill armed, and was joined next day on his march by McDonald of Glencoe with about 60 and march'd to Glenurchy.

"October 13th. Sir John McLean having got about 300 men out of the Isles of Mull, Col, and Tyrr, and out Keanlochallan in Morvans, and being joined on his march by young Ardgon, a gentleman of his name, with about 100 men, passed at the current of Ardgon 7 miles from this place, next day passing that of Callart pursued the same route through Glencoe. Cameron of Lochal and McDonald of Keapoch are now the only two in our neighbourhood that have not yet raised there men. Its above a week since Lochal went to Morvan to raise his men there, in order, as he returns, to raise his men and the Marquis of Huntly's in this country, who are ordered by their master to join him. Bot as he is not yet return'd, and that there are endeavours used to take him off, I can at this time write nothing certain about him. Bot if he doe not rise himself, I beleive few or none of Huntly's men will stirr, they being generally of his name and family, and 3 of his principall vassalls here having declared they will not rise against the King, viz., Callart, Glennavis, and Kean Loch Leven, all Camerons. So that tho' he gives out that he will raise a great number, yet considering the backwardness of the above named, and others of his inferior chiefs, principally upon the account of the neighbourhood of the guarnison, I'm of the opinion he will be able to equall Clan Ronald. If he be prevailed upon not to rise, what Keapoch will doe I cannot say, but if he does Keapoch is to join him in the braes of Lochaber, and both to march to join these already march'd in Glenurchy. All these when joined are to be commanded by Major Generall Gordon of Achintoul, and, as it is said, are to invade Argyll's country, in order to favour their friends in that country. Bot as Auchinbreck and Lochnell have declared themselves for the King they can expect few or non there. Sir Donald McDonald raised his men much about the same time with the captain of Clan Ronald, as is said about 300, and being joined by the Laird of McInven and 300 of the McLeods, and the Chisms of Strathglass, march'd towards Inverness to join Seaforth. Against him the Earl of Sutherland, with the Rosses, Monro's, Forbess's, and other friends of
the Government are makeing head. But what is doeing in that country your lordship will certainly know better with you then we cane here, all communication with Inverness being taken from us."


“My Lord, nothing from the enemy has occur’d to alarm us. Wee have employed all this day in heaping stones against the doors of the parks and gardens, and securing the avenues. But it was with the greatest difficulty we cou’d get the men to work; they are full of a notion that the Highlanders are just returning, and make a constant clamour at their being so few for defending this place; my endeavouring all I cou’d to make them behave like soldiers has been in vain, for when we threatned to punish them they threatned us. If, my lord, it be judged necessary to secure this place, with submission, I’m of opinion 50 men shoud immediately be ordered to us. Our two sub-alters are simple and spiritless in their behaviour to the men, and the men have no manner of respect for them. If we are to remain here, I wish we had two others in their stead,” &c.

265. Letter unsigned, dated from Redbraes, October 21st, 1715, apparently to Lord Polwarth.

“My Lord, the rebells came to Longformavuchus [Longformacus] on Wednesday, and if young Lanton had not mette them they were sending a party to burn the howse and all that belonged to you, bott he prevails’d with them for that night, invited them to hes hows, treated them noble ther, drank them to the fulle, and gatt their promis that non of ther men shoulde truble anye thing that belong’d to yow, soe ther is none of them come near ws as yet. Ther is three 100 horse come and joynd them this day att Duns from Coldstrame, and abowt eight of the cloke ther came three officers and a sergent, mead search for horse and tooke awaye the Mortin horse which was new come from Berweek. Aitton’s man Clunie was with them. The gentlemen were very civell, but the sargent, a roode fellow, brok Patt Dickson’s rowme, brook up his chist of drawers with a broad sweard, took all the could find for them. William Grive sent an express this night that ther is a 100 of the rebells to be hearir to morow, thers above 3—1,000 foot and horse, and ar to merch to-morow bake the way they cam, for thei have gott letters that Marr hes taken the brig and given Argyll the foill. The peopell ar mightlye affryed of them.”

266. Another letter from the same correspondent, dated 22nd October 1715, addressed “To Madame Keear,” but intended for Lord Polwarth, with further intelligence of the Northumberland horse who had come to Dunse. “The names of the officers and the number of men is 4 hundredth, the names of the gentlemen of Tiviotdeall and March, Clifton, Blakhill, Bovehill, Hennan, McKeasten, several that I cannot remember. I signified to yow in my formere the names of the Highland officers. This day is given wpe to me a trew liste by seringe information that ther is eight 100 horse to joyne them in Fowgow-mure commended by the Earll of Wunton [Winton], and then to march to Kelloe and to pilledg and destroie the town—this was Brigadiear McIntoshe exprissions—and alsoe to march to Edinburgh straught, with money great oats they shoule be maisters of it within a few days. Now my purpose is to stay heare and behold ther motione, for I resolve to be amongst them this day. They ar pilligeing all the countrie for horses.”
Letter, not signed, addressed to Mr. Patrick Dickson, Secretary to the Earl of Marchmont, giving an account of the battle of Sheriffmoo. Edinburgh, 15th November 1715. “Sir, I wrote to you yesterday a short account of what has happened in this place, but the following account will make it more clear and true. Sir, Argyle having formed his small army on Sunday morning last [the 13th] in very good order upon an rising ground or hill above Shirreffmuir, the rebels under the Earl of Marr being formed marched and extended themselves in way of circle as if they designed to surround our army, which obliged his Grace the Duke of Argyle to alter his grounds and to make a new disposition of his army, and in forming of it the second day, the right wing of the rebels attacked the left of ours before they were formed, the forming of the left as is said being committed to Generall Evans while his Grace formed the right. In this juncture the rebels, as I have said, attacked our left, and not being formed put them in disorder. They first attacked Shannans regiment of foot, who to their commendation briskly repulsed them, and then attacked that regiment of foot which was Webbys and as I believe now Moriss and that of Orrarys, who both gave way; and the Highland rebels, consisting of the clans who were not only their best men but of triple the number to our left, went quite thorrow them and made a considerable slaughter of our men. The two regiments of dragoons of Carpenter and that which was Ecdines gave likewise way, but indeed intermed, and supported these foot and stopt the clansmen from further slaughter of these two regiments, and carried off our own cannon that was on that side alongest with them. But the malure was that these troops retired for the most part of them to Stirling. In this action was the greatest loss on our side, besides the losing of our colours and standards. The right of our army (where the Duke was) and the main body pushed the rebels intirely to a rout before them, and persued them for some miles to Allan Water, in which the nobility and gentry of the horse volunteers acted worthy of themselves, and without vanity bore their own share in that victory, and even bore their share of the rebels fire in their attack upon that of Forfar and Wightman’s regiments; and the Evans’s dragoons were in some little dissorter, it was not throw occasion of the enemy, but through the deepness of the marish ground, which was near to have bogged their horses. But then, in a moment, they rectified themselves by a sudden and short wheeling and coming up again to a more proper station or ground. They then performed as could be disired. In the persuit on the right of our army of the left of the rebels our volunteers gott the gentry of them the best quarters. It would seem by our account that his Grace the Duke of Argyle was in the persuit, for which our well affected criticks blame his Grace. Because that the 4,000 of the rebels that retired with Marr to the hill at a miles distance from the feild of batle and who were to have been of new attacked was obleidged to be given over, first, upon the account that the left had retired as above, which his Grace did not know off, and which he must have known if he had not been upon the persute, and nixt that his Grace had a morass to pass in order to make the second attack upon that hill.

“As to the particulars of the slain and wounded on either side is yet uncertain, since we have had noe intelligence what accounts Collonel Kerr hes returned of the killed, being ordered out with a detachment to cause buiry the dead on both sides, tho perhaps Briggradeer Harrison (a volunteer) who is gone express from the Duke of Argyle may carry it with him in his Grace’s letters and who carries in his clogbag the
rebells pretended royall flag. But, at the same tyme, I cannot omit to
give you what I have collected, that on the rebells side there is said
to be killed with some certaintie the Earles of Marishell, Strathmore, and
Southesk, and with uncertainty the Earles of Linlithgow and Abyn; of
their gentry, killed, Lyon of Auchtterhouse, and it is said Sir Robert
Gordoun of Gordonstoun and the Laird of Keirr. And of prisoners,
Barrowfield as I wrote before, Glengarry as they say, Loggiealmond,
Murray of Auchtertyre, younger, and many others of whom both killed
and wounded ye shall have account by nixt. And on our side of note
killed are Livtenant-Colonel Lorraine, Captain Arnot, and Captain
Armstrong, who was edicamp to the Duke of Argyll. Of wounded, that
brave and worthy young gentleman, the Earl of Forfarr, being shot in
the knee-lid occasioned his being taken by the rebells, and who
unmercifully, after he had gotten quarters, received eighteen wounds in
the head and body, and not being able to carry him off was brought into
Stirling, and declares that most of the wounds he gott after he was
taken prisoner from that ingrained rebell the Viscount of Kilsyth. I
pray God he may recover tho there is little hopes, as there is of Colonel
Halley, being shott throw the body, and of Captain Urquhart of Burdge-
yeards, being wounded in the belly after made prisoner soe as his
puddings hang out, and wee have it in town that Captain Cheisal, after
he was taken prisoner was ript up by the rebells; and of all the
volunteers I doe not hear of any of them that was soe much as wounded
except Mr. Charles Cockburn, the Justice Clerk's son, who is shott
throw the arm. For Isla I wrote formerly off him, and the wound he
received was through the fleshy pairt of his arm which likewise slightly
wounded him in the side. On the Monday morning (the left of our
army haveing returned) his Grace designed a new ingadgement, but as
a great many of the rebells did intirly desert and fly upon Sunday, see
the body of them that fought were before the break of day retired
towards Pearth, which is all the account I can give you at present.
Only that Argyle with his army went all in to Stirling on Mündays
night after he had sent out several pairtys in quest of the disperst
rebells; and least I forgot it in my last it's bot little trouble to acquaint
you again that all the rebells cannon and most of their standards and
colours were taken. Adieu." [The writer refers to the defeat of the
rebels at Preston.]

268. Letters of George Crawford, author of "The Peerage of
Scotland," "Lives of the Officers of State," &c. He was a brother of
Crawford of Cartsburn, and married Margaret, daughter of James
Anderson, author of the "Diplomata Scotiæ." In his first letter to the
Earl of Marchmont, which is dated at Edinburgh, 23rd January 1717,
Mr. Crawford says:—"My Lord, I had the honour of your Lordship's
some time agoe, wherein you tel me you have remarked some errors and
mistakes in the printed sheets of the Peerage relating to your lordship's
family. I am glad your lordship saw and perus'd those memoirs before
the book was published, that your lordship, certainly the best judge in
the matter, yourself might have the opportunity to make the alterations
and corrections such as your lordship should think proper, to which I
shall most humbly and wilingly submit, and very read[i]ly own my
mistakes and alter them at your lordship's own sight and to your
pleasure and I hope satisfaction; and now that I have brought the
book til within fifteen or sixteen she[c]t to conclude the whole work,
I most humbly intreat your lordship will be pleas'd to transmit to me
the alterations you intend that the sheets m[a]ly be again reprinted that
I may not be any longer retarded in the course of my printing; for I
have been expecting to have had the honour to hear from your lordship every day this month past; for I presume your lordship may know that the delay of one sheet puts a stop to the whole work, because I do not know precisely how much less or more room the alterations your lordship intends will take up," &c. He further adds, "I shall very faithfully reprint the sheets whatever th[e]y may amount to upon my own charge, for I shall always own your lordship has very handsomely rewarded me for any pains or trouble I have been at in framing the history of your lordship's noble family, which I shall always with great thankfulness own and acknowledge. But evry body knows your lordship is a common patron of all kind of learning and good friend to learn'd men, tho' I am far from thinking I deserve to be reckon'd one of that number." "In the 'Lives of the Lord High Chancellors of Scotland' which, God willing, I'm immediately after the finishing of the Peerage to publish, your lordship may depend on all justice from me there, where I'm not so much confin'd as I'm in a peerage, and will be much more ful upon your Lordship's life then I can be in that kind of writing your lordship knows I am now engaged in. Since I had the honour to see your lordship last I have had the perusal of the chartulary of the Nunry of Coldstream, where mention is made of one or tuo, if not more, of your lordship's ancestors of the Polwarths of that ilk, which I took notes of, and when I reprint the sheets of the family I shall add who of them ar proper for the further illustration of the honour and antiquity of the family. Mr. Anderson presents his most humble duty to your lordship as I presume likewise to do myself," &c. "Geo. Crawford."

The Private Correspondence bearing on subjects of Historical Interest, 1676—1717.

269. Letter from Henry Lord Cardross to Sir Patrick Home, Edinburgh Castle, 20th September 1676. "... I doubt not but you have or this heard of the Counsells denying me both ane absolute and temporary libertie, though the same day they offered undesired that to others which was refused to me, I assure you without much regrate on my part. I have been informing myselfe where the best accompt of the transactiones from the year 1630 to 1640 may be had, and I am told it is noe where better than in Mr. David Calderwood's History, the autograph whereof, it never haveing been printed, is in Mr. Robert Kerr, minister of Heddingtoun, his possession, of whom I doubt not but you may have it," &c.

270. Letter initialled "L. R.,” and addressed to Mr. Robertson at Mrs. Burt's, near the Arch in Crutchet Friars, London. Edinburgh, 29th January 1689. "Sir, I have received two from you dated the one January 15th, the other 21st, for which I am your debtor. I presume not to give you my opinion of the conduct of affairs with you, but earnestly wish you the Lord's blessing and direction, and that you may be preserved from all inconveniences. I am heartyly sorry to hear that so many are acted with so bitter a spirit of falsehood and malignity. I hope God will defeat their wicked designs and discover their malice and lies to their shame. There is no disorder nor outrage committed by any called Presbyterian in this country, but the mountain men and these far lesse then they are represented. True it is, they have desired the curates in the west to withdraw, and lately the ministers of Glasgow (as I am informed at their instigation) did take one Mr. Mill out of the
church or stopt him when going into it, and as I heard did some violence to his person, but he is now in perfect health as I am certainly informed by one that came thence but two days ago. They went also to my Lord Traquair his house, but their carriage was such (though you know I never could justify them in most of their behaviour) that I cannot but say it was civil, since my lady herself did command them for their civility, as a person who got account of her letter she wrote to an acquaintance of hers here told me, that when they came to the house they found my Lord's closet open and a bag of money with some gold on the table, upon which he that commanded them lockt the door and gave the key to my lady, and when she offered them wine he forbid any of them should drink it, least it should intoxicate them, and they in their drink should commit disorders; so that all they did was to take the consecrate things and to carry them to Peebles crosse and burn them; and what was of silver, as some little things were, they gave to the poor. This is my lady's own account. They came also to a curate's house whose wife was lying in childe bed, and she fearing her husband's danger got up. They desired her to go to bed again and said they designed him no harme, only advised him to remove if he consulted his own safety now they gave him warning. These are the greatest if not all the disorders that I hear of, and I believe I hear of most that is done in the country. Now, Sir, though I must say upon my certain knowledge and acquaintance (and I presume to say I know the west and south of Scotland as well as any) the generality of the people wish the curates were off; as men generally of debauched lives who were intruded on the people against their conscience and continued against their affection; yet I must further add that considering the violence has been practised upon the poor people by their means when they brought out bloody souldiers on them and occasioned the shedding of their blood like water, it is a wonder that now when we have no master, people are kept from outrages and from falling on such as have violently shed the blood of many with lesse regard than if they had been beasts. And I marvell how these gentlemen have the confidence to complain of the turbulence of Presbyterians when many of them may remember what their cruelty hes been. I have seen the grave of a poor honest man who was shot like a dog at his own house end without doom or law and without crime committed against their own law save non-conformity, his poor wife looking on and begging his life with an infant in each hand and her belly big with the third. I have been near the place where women were tyed to a stake within the sea mark till the sea overflowed them, when the stroke of every wave coming on them was as so many repeated deaths. I have been on the place where a curate going along with the souldiers and falling on a man who had the Bible in his pocket said 'This must be a rogue, he carryeth the Bible about with him.' I have been on the place where souldiers brought out by the curate murdered the husband and left a widow with seven fatherlesse children. When innumerable such instances of cruelty committed without any sentence (beside what was done by forme of law) are recent in poor peoples' memories, is it not a wonder that they break not forth into rage and revenge against the instigators to and actors of such crimes. But, Sir, I can assure you Presbyterians are quiet, waiting till God appear to execute justice to whom vengeance belongs. But malicious enemies upon pretence of fear from the mountain men, which is altogether groundless, are making trouble here. For the collidge of justice as they are called have been in arms these days bypass I can guess at no other end but to disturb the meeting houses where a fast was keep last Lord's day, yea, some of them said
they should now pull down the meeting houses, and I believe they
would have it thought that the people of this city are not dissatisfied
with the prelates, but, Sir, the contrar is known, though they will not
break forth into tumults to thrust them out. I am probably, I may
say certainly, informed that men are secretly levied here for his
Majesties service; what service that can be I know not, but upon all
I must make this reflection, that our tryall seems to be [not] yet over.
God prepare us for what is his good pleasure. We have looke' long for
your coming and expected some party should have come hither, and
that a Convention should have been called which might have installed
his Highnesse into the Government, which I beleve any Convention
would do, and that then he would have taken the management of
affairs into his own hand, for we fear that if we have a Convention
chosen by our present tested magistrates we may expect little good
from their hands. But the work is in God's hand and to him we desire
to look. I can adde no more being weary with writing. Be pleased to
give my humble service to my Lord Cardrosse, to Polwart, to Mrs. John
and Charles Erskine, and my other dear commorads with you. The
Lord bless you all. I purpose to see your lady as soon as I can, and
shall deliver your commission. I am, dear Sir, your most affectionate
and humble servitor, L.R. I beleve our addressse may be at you befor
this comes to your hand. I fear it be not altogether satisfying, but I
hope the haste and the confusion of the time will excuse its defects.
Again adieu."

271. Lady Grizel Hume, wife of George Baillie of Jerviswood, M.P.,
to her father, Patrick, first Earl of Marchmont. "Edinburgh, 17th
July 1711. My Lord, . . . It's talked here that the Queen is not
to make a secretare in Queensberie's place, and that Duke Hamilton
had gone imediately upon the first news of his death and told the Queen
of it and askt his place, but did it with so little concern for him that
she was offended at it, and when Mr. Boyle came to tell her of his death
she said she had heard of it befor, but in such a manner as did not
please her. It's talk'd she could not keep herself from crying when
she was told it. Jerviswood writes nather less nor more about it nor a
word of news. He came of from London on Wednesday the 11th, was
a night and a day with Roxburgh at his country house, and came to
Searsburgh on Saterday's night last and will be home on Friday the
19th, but forbids me to say anything aither of his being in Searsburgh
or time of his home coming. What reason he has for it I know not. I
shall look if I have Hapburn's account; if I have it, its like it is at
MellerstAINes. I have been mighty bussie this two days, for our
bussiness is to be reported to-morrow, but I doe not expect aie end to
it this session. . . . I am, my Lord, your most obedient daughter,
Gris. Hume."

272. Letter to the Earl of Marchmont from George Baillie of
Jerviswood. October 17th, 1717. Inter alia he writes, "There is no
newse, but I shall tell you a story for your diversion. The Pope, it
seems, when he gives audience to foreign ministers has a little table by
him with a bell upon it which he rings for his servants when the
audience is ended. Count Gallas, the Emperor's Embassador, having
been admitted lately to aie audience, did press his Holiness so hard upon
the affairs of Italy as put him in such a commotion as occasioned the
shaking of the table and ringing of the bell, whither designedly or no
is not known. However, the servants came in, but the Pope bid them
retire for what had happened was accidental. Count Gallas not being
satisfied with this excuse, or perhaps willing to make a quarrel, told the Pope that he perceived his presence was not agreeable to him, and notwithstanding of his entreaties withdrew, kicking with his foot his stool up and down the room."

273. Holograph receipt by Patrick, first Earl of Marchmont, to his daughter Lady Grizel Baillie, for 150l., dated 31st May 1720. This receipt bears out the fact that the ex-Chancellor Marchmont in the latter years of his life removed from his paternal mansion of Redbraes Castle, afterwards Polwarth House, and that he ended his days at Berwick-upon-Tweed at a new mansion which he called "Marchmont House," "and my now dwelling place," as he styled it in the receipt. The Earl's tender affection for his "dearly beloved and kind daughter" continued to the close of his long life in 1724 at the age of 84. Lady Grizel Baillie is well known for her heroic conduct in carrying food at midnight to her father when concealed in the family burial vault under Polwarth Church. Her daughter, Lady Murray of Stanhope, wrote a very interesting account of her life, which was published in Rose's Observations on Fox's Historical Work in 1809, and was re-published in 1822 by the late Mr. Thomas Thomson, then Deputy Clerk Register. A few ballads by Lady Grizel Baillie have been printed in several collections of Scottish songs. She was authoress of the song, "Were na my heart light I wad dee." Lady Murray had a book of songs by her mother when in Holland. Lady Grizel died in 1746, in the 81st year of her age.

William Fraser.

Edinburgh, 32, Castle Street,
3rd February 1893.

MARCHMONT
MSS.
REPORT ON ANCIENT CHARTERS IN THE POSSESSION OF THE RIGHT HONOURABLE CLAUD EARL OF STRATHMORE AND KINGHORN, AT GLAMIS CASTLE, IN THE COUNTY OF FORFAR, BY SIR WILLIAM FRASER, K.C.B.

SECTION FIRST.

The collection of charters here reported is limited in number, but it is very select and of real historical interest, extending from the time of King Robert the Bruce on civil affairs, and from the earlier time of King William the Lion on ecclesiastical business.

The collection may be divided into two sections, the first containing charters relating to the family of Lyon of Glamis, ancestor of the present Earl of Strathmore, and the second containing charters relating to the Abbey of Jedburgh and the Priory of Restennet.

The earliest charter, No. 1, in the first section, is granted by Robert Bruce, Earl of Carrick, and Lord of Annandale, in favour of Alexander de Keith, of the lands of Longforgan. The charter is undated, but was granted between the years 1295 and 1304. This charter is beautifully engrossed and apparently in the same hand as the charter by King Robert the Bruce to James Lord of Douglas of Jedburgh, dated 6th May 1320, which is lithographed in the Douglas Book, Vol. III., p. 355.

In the year 1315, when Bruce was King, he granted another charter of part of the mill of Longforgan, in favour of Alexander Keith, who is therein named as "his beloved and faithful."

This charter, No. 3, is interesting as showing that at the date of it, 1315, the year after Bannockburn, the resignation of the subjects granted to Keith was made by John Glastreth, the former owner, at Tarbat near Louchfyne, before many magnates. The King was there on a visit to his Highland home, in his visits to which we are informed by Barbour that he followed the example of King Magnus Barefoot of Norway in being drawn across the isthmus of Tarbert in his galleys.

A third charter was granted by King Robert Bruce to the same Alexander Keith, again described as "his beloved and faithful," No. 4. From that charter it appears that Alexander Keith had no heirs (male) of his body as the lands were to pass to his daughter Agnes, and William Avenell, styled the King's cousin, and the heirs to be lawfully begotten between them, and failing such heirs, the lands to return to the King. The charter, No. 4, commemorates the presence of the King at Berwick-on-Tweed, which seems to refer to the Parliament or Council held there in November 1324. The fact that Alexander Keith was thus in attendance upon the King on important occasions seems to suggest that he belonged to the royal household. But Keith has not been identified as a member of the "mighty men of lineage," as Wyntoun calls them, of that name who long held the hereditary office of Marischal of Scotland.

In the time of Queen Mary, William, the fourth Earl Marischal, possessed landed property extending to 270,000 merks of yearly rent. These lay in so many counties that he could travel from Berwick to the northern extremity of Scotland eating every meal and sleeping every night upon his own estates.
The charter, No. 2, now reported, granted by Walter, Steward of Scotland, son-in-law of King Robert Bruce, through the marriage with the Princess Marjory Bruce, is interesting as one of the very few charters preserved granted by the Steward during the brief period he held office between 1314—1318, and also on account of the beautiful seal of the Steward of Scotland described under the minute of the charter. The grantor of this charter was a worthy son-in-law of Bruce. At the decisive battle of Bannockburn he performed such prodigies of valour on behalf of his father-in-law that the historians of the Stewart family record of this Stewart that if he had lived longer he might have equalled Randolph and Douglas, but his course of glory was short.

The charters, No. 6 to No. 12 inclusive, relate to Sir John Lyon of Glamis, Chamberlain of Scotland, and his wife, the Princess Jean Stewart, daughter of King Robert the Second. The present Earl of Strathmore and Kinghorn is the representative of this royal alliance. The charter No. 6 by Queen Euphemia Ross is very interesting as almost unique, and her armorial seal appended to it is of rare occurrence. The charter No. 10 is granted by William the first Earl of Douglas and Mar, and affords one of many other proofs of his holding both these earldoms and giving the precedence to the Douglas title.

The writ No. 13 affords an instance of a surname being adopted in the fourteenth century by a certain Osbern being styled of the Irons evidently from his trade of barber. He afterwards acquired a piece of land named Thornton and was then styled Osbern of the Irons, laird of Thornton. But his son in the following century dropped the style of Irons and became simply John of Thornton.

Section Second.

The second section of this Report introduces us to some of the few extant writs relating to the old Priory of Rostinoth or Restennet in the county of Forfar. It stood originally upon an island in the loch or lake of the same name which has since been drained, occupying, it is believed, the site of an older church founded by St. Boniface in the beginning of the seventh century. As we learn from the charters now reported on the Priory was dedicated to St. Peter, and the monks belonged to the order of St. Augustine, the same confraternity who occupied the abbey of Jedburgh. The date of the foundation of the Priory of Rostinoth is not known, but it was probably in the reign of King David the First, who, as we learn from No. 26 infra, granted to the prior and canons twenty shillings yearly from the rents of the burgh of Monros as well as the teinds of these rents. The Bishops of Brechin had received a grant for their church of an annual rent from the same source, and their claims and the rights of the Priory had come into collision. In 1361, however, Patrick, Bishop of Brechin, by the writ referred to, attests that he had inspected a grant to the Priory by King David the First which gave the house of Rostinoth an earlier claim to the rents in question. This writ is important as showing that the Priory did exist in the time of King David the First. If the Priory of Rostinoth was founded as a separate establishment by King David the First, it did not long remain independent, as his grandson, King Malcolm the Fourth, between the years 1159 and 1163, attached it to the Abbey of Jedburgh. The charter by King Malcolm referred to is in very formal and ample terms. The original charter is in the charter chest of Mr. Fletcher of Salton in East Lothian. It had been inherited from one of his ancestors who was proprietor of Restennet after the Reformation. With the consent of Mr. Fletcher, King Malcolm's charter was both lithographed.
and printed by me in the history of the Carnegies Earls of Southesk in the year 1867. The charter is a beautiful specimen of twelfth century caligraphy.

The first writ here reported on relating to the Priory is dated between 1188 and 1198. In it [No. 17 infra], King William the Lion grants to Rostinoth "Ardnequerc," which later writes [Nos. 29–33] identify as Cossins. It was given in exchange for Poifferin or Foffarty. Writ No. 18 is interesting as an example of a Scottish ecclesiastical cause being tried at York when that see claimed spiritual jurisdiction over Scotland. The Pope (Gregory IX.) in 1237 addressed a letter to the Subdean of York, relating that he had instructed the Abbot and Convent of Jedburgh to present his "scriptor" or writer, Mr. John of Antin, to a vacant benefice, or to pay him a yearly pension of one hundred shillings. The intervening steps are not detailed, but it would appear that the Abbey had presented Mr. John to the church of Aberlemno, which was in their gift as pertaining to their Priory of Rostinoth, to which David Bernham, the Bishop elect of St. Andrew's, objected. The parties appeared before the Subdean at St. Peter's, York, when the Bishop claimed the right of presentation on the ground both of common law, as the church was in his territory, and of special right in terms of Papal grants. The whole arguments may be read in the sentence of the Subdean, who decided against the Bishop, partly on the ground of a former presentation by King William confirmed by the late Bishop of St. Andrew's, and partly on the ground that the present Bishop had admitted the right of the Abbot and Canons of Jedburgh to present, by asking them to confer the benefice on his clerk. The Abbot afterwards petitioned the Pope to confirm this sentence [No. 19 infra]. In the year 1242, David, Bishop of St. Andrew's, granted or confirmed to the Abbey of Jedburgh the church of Rostinoth, and the chapel of Forfar [No. 20 infra]. The next writ [No. 21] is noteworthy as being an excerpt from the long-missing ancient record, the "Magnum Registrum" or great register of the Priory of St. Andrew's. The writ is not dated, but may be of a period early in the reign of Queen Mary, and the register was then in the hands of the Prior who styles himself David Guthrie the Third.

The next writ [No. 22] is a letter from the famous Bishop Lamberton, in which the Bishop gives notice that although the Prior of Rostinoth was in use to make a payment to the Bishop at his yearly visitation of four marks for his counsel and advice, yet he wishes it to be understood that such payment is gratuitous and is not to be expected or exacted as a right from future priors by his successors. In 1330, Bishop Lamberton's successor, James Benedict or Bennet, granted a lease [No. 23 infra] of his land of Rostcolby or Rescobie to the Prior of Rostinoth, reserving the court hill and a house andcroft for the serjeant at a yearly rent of fourteen marks sterling. A similar agreement was entered into by Bishop Landells in 1354 with the then Prior of Rostinoth, William of Falkirk, by which, in consideration of the hard times and disturbed state of the country, he consents to reduce the rent of certain lands one half, but this arrangement was to last only during the life or tenure of office of Prior William.

There is an interesting fact connected with the Priory and burial place of Restenneth which has been somewhat overlooked by historians, that it is the burial place of Prince John Bruce, a son of King Robert the Bruce by his second wife, Queen Elizabeth de Burgo, eldest daughter of Richard, second Earl of Ulster. Whether he was the elder brother of King David Bruce or the younger has not been ascertained, but he was certainly his brother-german. King David, in a full parliament held at Scone on the 10th June, in the sixteenth year of his
reign, 1344, confirms the gifts and grants made by his predecessors, Malcolm, Alexander, and David, Kings of Scotland, to the Priory, and "for the goodwill and special affection which we devoutly bear towards the said priory on account that the bones of our brother-german, John of famous (celebris) memory rest there inhumed," the King grants to the prior and canons of Rostenot 20 marks sterling from his great customs of the Borough of Dundee.

The writs Nos. 27 and 28 may interest a legal antiquary touching as they do upon legal and ecclesiastical forms at Rome and in Scotland. No. 29 is illustrative of how important business was frequently transacted in public. No. 30 details the seal of the Abbot of Jedburgh in 1532, while the seal of the Abbey appears in No. 32. The last document, the Rental, No. 34, has already been printed in "The Memorials of Angus and Mearns."*

CHARTERS and other WRITS relating to the family of LYON OF GLAMIS and their lands, 1295-1599.

1. Charter by Robert Bruce, Earl of Carrick and Lord of Annandale, to Alexander Keith, of the lands of Longforgan. [1295-1304.]

Omnius hanc certam visuris uel audituris, Robertus de Bruys, comes de Carrick et dominus vallis Anandie, salutem in Domino sempiternum. Noverit vniuersitas vestra nos dedisse, concessisse et hac presenti carta nostra confirmasse Alexandre de Keth totam terram nostram in tenemento de Langforgrunde, cum omnibus suis pertinencis; Tenendam et habendam eidem Alexandro et heredibus suis de nobis et heredibus nostris, libere, quiete, integre, plenarie, et honorifice, in planis, pratis, pascuis et pasturis, stangnis, aquis et piscaruis, et cum omnibus aliis iuribus, libertatibus, commoditatibus, ayiamentis et pertinencis quibusunque, tam non nominatis quam nominatis, ad dictam terram de Langforgrunde spectantibus uel quoquomodo spectare valentibus sine aliquo retinemento inperpetuum: Faciendo domino regi forinsecum servitium inde debitum et consuetum, et reddendo inde nobis et heredibus nostris annuatim vnum par calcarium deauratorum, pro omni aliquo servitio, consuetudine, exactione et demanda seculari: Nos vero Robertus de Bruys predictus et heredes nostri totam terram predictam in tenemento de Langforgrunde, cum omnibus iuribus, libertatibus et pertinencis suis, ut predictum est, predicto Alexandro et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et inperpetuum defendemus: Et ut hec nostra donacio et concessio et presentis carte nostre confirmacio firme sint et stabiles in perpetuum hanc cartam sigilli nostri munimine fecimus roborari; Hiis testibus, dominis Alexandre de Meyneres, Reginaldo de Crauforde, Waltero de Logan, Roberto Boyle, militibus nostris; Patricio de Schen, Petro de Grayden, Roberto de Anande et multis alios. [Seal detached, but put up with the charter. It is in good preservation. Shield bearing a saltire and chief. Supporter, a palm tree from which the shield depends. Legend, "S. Roberti de Brus."*

2. Charter by Walter, Steward of Scotland, narrating that Alexander, son of Glay, for himself and his heirs, had resigned his whole land of

* A brief Report on the papers at Glamis by the late Dr. John Stuart is printed in the Appendix to the Second Report of the Historical Commissioners, p. 185. None of the charters and other writs here reported on are mentioned in the previous Report.

v 78288.
Altermony with its pertinents to Umfred of Kircpatrik, from whom he held the land in fee and heritage; and now Umfred has resigned the right of lordship which he held over said land with an annual rent of two merks falling to him from it, which he held from the granter, who now grants and confirms to William of Mongale, clerk, for his homage and service, the whole land of Altermoni, without any drawback, to be held to him and his heirs of the granter and his heirs, freely and quietly, &c., rendering one silver penny at Whitsunday in name of blenchfarm, for all other secular services, &c., with clause of warrandice. Witnesses, Sirs Murdoch, Earl of Menteith, James Lord of Douglas, James Stewart the granter’s brother, Malcolm Flemynge, Robert Boyd, Walter son of Gilbert, John Stewart, Robert of Comingham, William of St. Clair, Robert of Bard, knights, John of Kalentire, Reginald More, Richard of Bard, Fergus his brother, Robert Simpil, Adam son of Huchtred. [No date, 1314–1318.] Seal attached, somewhat broken and defaced, showing on obverse an armed knight with a shield bearing the Stewart fess, on horseback riding towards the sinister. On the knight’s helmet and the horse’s head is a curious framework carrying a lion (or leopard) rampant, facing to sinister. The horse bears a collar shewing Stewart fess which is also displayed on the housings. Part of legend “WALTE . . . . E”; obverse, a shield charged with a fess chequy, round the shield are figures of leopards. Legend indistinct.

S. . . . . SCOIE.

3. Charter by King Robert the Bruce granting to Alexander Keith part of the mill of Longforgan, 8 May [1315].

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, salutem. Scientis nos dedisse, concessisse et hac presenti carta nostra confirmaffe Alexandro de Keth, dilecto et fidelis nostro, totam terciam partem molendini de Langforgrunde, vna cum quinque acris terre ad eadem terciam partem molendini pertinentibus: quamquidem terciam partem molendini vna cum quinque acris terre predictis Johannes de Glastrethe nobis per fistum et baculum sursum reddidit, coram quibusdam magnatibus nostris, apud le Tarbarts iuxta Louchyne, vna cum toto iure et clamio quod in eadem tercia parte molendini et terra habuit vel habere potuit pro se et heredibus suis. Tenendum et habendum dicto Alexandro et heredibus suis vel assignatis suis de nobis et heredibus nostris, in feodo et hereditate, adeo libere, quiete, plenarie et honorifice, cum omnibus libertatibus, comoditatibus, aissiantibus et iustis pertinentiis suis, sicut idem Johannes vel aliiquis predecessorum suorum dictam terciam partem molendini, vna cum quinque acris terre predictis aliiquo tempore tenuit seu possedidit vel tenere debuit aut possidere. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus, Bernardo Abbate de Abirbrothoc, cancellario nostro, Gilberto de Haya, Alexandre de Meigners, Hugone de Ross, et Roberto de Keth, militibus; apud Abirbrothoc, octauo die Maii, anno regni nostri decimo. Seal wanting.

4. Charter by King Robert the Bruce to Alexander Keith, of the lands of Longforgan, 6th February 1324–5.

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, salutem. Scientis nos dedisse, concessisse et hac presenti carta nostra confirmaffe Alexandro de Keth dilecto et fidelis nostro totam terram quam de nobis prius hereditarie tenuit in baronia de Langforgrunde cum pertinentiis, et quam ipse nobis nuper per fistum et baculum apud Berewicem super Twedam coram magnatibus regni nostri sursum reddidit et resignauit. Tenendum et habendum predicto Alexandro et heredibus
suis de corpore suo legitime procreatis seu procreandis, in feodo et hereditate, per omnes rectas metas et diuisas suas, vvacum seruiicii liberetencium, annuis redditiibus, et cum natuviis ac omnimodis bondagiiis et eeteris juribus et libertatibus ad dictam terram spectantibus, per seruiciindinde debita et consueta. Et si contingat dictum Alexandrum sine herede de corpore suo legitime procreate in fata decedere, dedimus et concessimus Agneti, filie ipsius Alexandri et Willelmoe Avenell consanguineo nostro, dictam terram cum pertinenciis pro se et heredibus eorum inter se legitime procreandis; quiquidem Agnes et Willelmus predicti si nullum heredom de se ipsis legitime procreatum superstitem reliquerint, predicta terra cum pertinenciis ad nos et heredes nostros post decessum eorum vel alterius ipsorum diuicius viuentis libere reueratur. In cuinis rei testimonium presenti carte nostro sigillum nostrum precepimus apponni; Testibus, Bernardo Abbate de Aberbrothoc, cancellario nostro, Thoma Ranulphi, comite Morauie et domino vallis Anandie et Mannie, nepote nostro karissimo, Jacobo domino de Dugas, Alexandro de Setoun, Dauid de Berkeley, et Eduardo de Keth, militibus; apud Abirbrothoc, sexto die Februarii anno regui nostri nonodecimo.

5. Transumpt of an Act of Parliament by King David Bruce, beginning “Actum parlementi excellentissimi quondam principis domini Dauid de Brusys, regis Scottorum illustris, tenti apud Sconam vicesimo septimo die mensis Septembris cum continuacione dierum, anno Domini millesimo tricentesimo sexagesimo septimo et regni sui tricesimo octuauo; primo, videlicet, quod modum vivendi regis, super quo domini congregati deliberent per hunc modum, videlicet, quod dominus rex vivere possit”—and so on as printed in the “Acts of the Parliaments of Scotland,” Vol. I., p. 502, down to “debitis antiquis seruiciis remansur” of the first Act of that Parliament, then passing to the middle of the next Act “et quod omnes carte et munimenta,” &c., to the end of that Act, concluding as follows:—“Datum: per copiam transsumptam de registro ad instanciam nobilis viri domini Johannis Lyovn de Glammys, militis, sub testimonio magni sigilli domini Roberti Ducis Albanie, comitis de Fyne et de Menteth ac regni Scoie gubernatoris, apud Fornowale, vicesimo secundo die mensis Julii, anno Domini millesimo quadringentesimo quarto-decimo et suo gubernacionis anno nono.”

6. Letters (very faint and worn) by “Eufemia Dei gracia regina Scoie,” narrating a grant under the great seal by her husband, “Robertus Dei gracia Rex Scoorum,” to John Lyoun as custodie of theburgh customs assigned to her by her husband, and expressing her consent that they should remain in his charge for his life time. Dated at Edinburgh, 10th October 1375. Seal,—a female figure, robed and crowned, and with sceptre in the right hand, standing under a canopy. On her right is a shield bearing the lion of Scotland in the double treasure. On her left is a shield bearing the three lions or leopards of Ross.

7. Letters by John, eldest son of the King of Scotland, Earl of Carrick, Steward of Scotland, Robert Earl of Fife and Menteith, and Alexander Lord of Badenoch, also sons of the King, narrating that their father in consideration of the praiseworthy, faithful, and continuous labours of John Lyonne, his clerk, had conferred upon him the lands of the thanage of Glammys, in the sheriffdom of Forfar, wherefore they considering the deserts of that grantee and his very faithful service to themselves, confirm and ratify for themselves and their heirs the grant
made to him; and promising that never in any future time shall they impugn or revoke the same, even if any of them should attain the royal dignity, but they will renew and confirm the grant as often as required by John Lyoun or his heirs, and shall maintain the same against any one who may seek to impugn his possession. Dated at Edinburgh, 7th January 1373–4. Only one of the three seals formerly appended now remains, a small neat seal, showing within a triangular ornamentation a heater shaped shield bearing the Stewart fess chequy, a mollet in dexter chief. Legend "S. Roberti Senescalli," being the seal of Robert Earl of Fife.

8. Letters Patent by King Robert the Second, remitting any irregularities connected with the marriage between his daughter Johanna Keith and John Lyon of Glanis.

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue ad quos presentes littere perueniunt, salutem. Nourerit vniuersitas vestra quod cum inter dilectos filium Johanne Lyoune, camerarium Soccie, et Johanne de Keth filiam nostros, de nostri et carissimorum filiorum nostrorum Johannis primogeniti nostri de Carryk, senescalli Soccie, Roberti de Fyiff et de Meneteth, comitum, Alexandri Senescalli domini de Badenach et aliorum amicorum et propinquorum consensu et assensu, matrimonium in facie ecclesie fuerit nobis presentibus solemniter celebratum; si inter eodem Johanne et Johannam ante dictam solemnizacionem matrimonii actus aliqui interuenerint, puta matrimonium occulte contractum, solicitatione, carnalis copula, huiusmodi copule carnalis tunc vel aliquo tempore ante matrimonium per illam aut aliquem alium aut aliam, pretensa excusacio, aut aliquid huiusmodi, quod nobis posset reputari ad displicienciam vel eis aut eorum aliqui ad perfidiam, infamie notam seu periculum criminis publici vel privati; nos, huiusmodi actus preuios, tanquam preparatorium ad matrimonium, matrimonium concomitantes et ipsi matrimonio concordes, intelligentes, vobis tenore presencium significamus quod erga neutrum eorum occasione huiusmodi actuum displicienciam retinemus; ymmo, si ex huiusmodi actibus, occasione aliqua, injuria vel displiciencia queuis oriri in aliis sit solita, illam et illas penitus remittimus; volentes expresse quod neutri eorum sint imputabiles, puta ad perfidiam, infamiam seu culpam aliquam criminis publici vel privati; quare tenore presencium firmiter prohibitum ne quis eis aut eorum aliqui occasione premissa in iudicio vel extra, actus predictos preuios aut alios quoque huiusmodi similis imputet ad culpam, infamiam, perfidiam, aut huiusmodi aliquid seu eos aut eorum aliquam exprobret, irritet vel infamet de eisdem, sub pena omnium que erga nos amitti poterunt quoquomodo. Et hoc in fide et fidelitate quibus nobis tenetur nullus attemptare presumat. In cuius rei testimonium has literas nostras pro toto tempore vite dictorum Johannes et Johanne duraturas sibi fieri fecimus patentes. Apud Dundonnald, decimo die Maii anno regni nostri octuauo [1378]. Portion of great seal attached.


Robertus Dei gracia Rex Scotorum. . . Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto filio nostro Johanne Lyovne, militi, camerario nostro Soccie, insulam de Inchkeith cum pertinenciis, infra vicecomitatum de Fyffe, que fuit Johannis McKelly et quam idem Johannes . . . resignavit ac totum jus et clameum que in dicta insula cum pertinenciis habuit vel habere potuit pro se et heredibus suis omnino quiete clamauit in perpetuum.
10. Charter by William Earl of Douglas and Marr, granting and confirming to his beloved Sir John Lyon, knight, Chamberlain of Scotland, for homage and service, the lands of Balmukedy, Ballynoe Upper, and Ballynoe Nether, in the barony of Kerymure, within the sheriffdom of Forfar; to be held to Sir John and his heirs of the earl and his heirs in fee and heritage for ever; performing yearly to the chief lords of that fee the service due and wont, and to the earl and his heirs ward, marriage and relief when it falls due for all other service. With clause of warandice. Witnesses, James of Douglas, the earl's son and heir, James Lyndessay, lord of Crawford, Alexander Lyndessay, lord of Glennesk, William Lyndessay, lord of Byres, Alexander Menteth, knights, Adam Forster, Alan Lawder, Bernard Carmill, and Adam Glendonwyn. [This charter is not dated, but the precept for infefting the grantee, usually identical in date with the charter to which it refers, is dated 21st February 1380 [1381]. It is directed to John Williamson, lieutenant to the Sheriff of Forfar, and still bears part of the Earl's seal. A shield couché quarterly 1 and 4, three stars on a chief and heart in base for Douglas; 2 and 3, a bend between six cross-crosslets for Mar. Supporter, a lion couchant, the shield surmounted by a helmet and feather plume; two trees in background. Legend broken away.]

11. Charter by Margaret, Countess of Marr and of Angus, daughter and heir of the late Thomas Stewart, Earl of Angus, in her widowhood, confirming to Sir John Lyon the preceding charter by the Earl of Douglas and Mar in his favour of the lands of Balmukedy and the two Balnnoeres, to be held to the grantee in fee and heritage. Witnesses, James Douglas Lord of Liddesdale, son and heir of the Earl of Douglas, and William Linde, knights, John of St. Clair, James of St. Clair, the grantee's brothers, Alan Lawder, Adam Glendonwyne, and Henry Wedale. At the Castle of Temptalovne, 12th August 1381.

12. Charter by King Robert the Second granting to his beloved son, John Lyoun, knight, chamberlain, the whole lands, rents, and goods which had belonged to the late William of Lech, son natural of
William of Lech, burgess of Aberdeen, and had fallen to the King by reason of bastardy: to be held to the grantee, his heirs and assignees of the King, and his heirs in fee and heritage, rendering services due and won’t. Witnesses, William, Bishop of St. Andrews, John, Bishop of Dunkeld, Chancellor, John, eldest son of the King, Earl of Carric, Steward of Scotland, Robert, Earl of Fyff and Menteth, the King’s son, William Earl of Douglas and Mar, James Lindsay the King’s grandson, and Alexander Lindesay, knights. At “Glenschy,” 30th September [1380].

13. Notarial charter by Thomas Erskine of Erskyne, as follows:—“Omnibus hanc cartam visuris vel audituris, Thomas de Erskyne dominus eiusdem, custos ac firmanus omnium terrarum Sancti Johannis Ierosolimitani infra regnum Scotie constitutus, salutem in Domino sempiternam. Sciatiss nos dedisse, concessisse et hanc presenti carta nostra confirmasse dilecto nostro Osberno de Yrnis, domino de Thorntoun, totam terram templarem jacentem inuixta Haystoun in vicecomitatam de Angus ex parte boreali de Haystoun, cum omnibus pertinentiis suis . . . ad dictam terram spectantibus . . . quanquidem terram Michael de Munkyre in manibus nostris per festum et baeculum simpliciter resignauit: Tenendam et habendam totam terram predictam predicto Osberno et heredibus suis in feodo et hereditate de domo hospitalis Sancti Johannis Ierosolimitani et nobis custode carumtien terrarum ac custodibus dictarum terrarum infra regnum Scotie qui pro tempore fuerint: Reddendo inde . . . duodecim denarios argentii ad festum natiuitatis beate Johannis Baptiste et communem sectam curie Sancti Johannis pro onni alio serviciou.” With clause of warandice. Dated at Perth, 31st January 1398-9. [The notarial transcript was made at the request of John of Thorntoun, son and heir of Osbern of Yrnys, Lord of Thorntoun, in the town of Dundee, 14th April 1425, before Sir Patrick Ogilvy, knight, Sheriff of Angus, Richard Lowell, Lord of Ballumby, Thomas Lowall of Kynbachlaw, Thomas Fotheringame of Powry, and William Man, burgess of Dundee, as witnesses. Notary, John Ydill.]

14. Obligation by George Earl of Angus, Lord Douglas, and of the regality of Kerymore, warden of the east and middle marches of Scotland, “foruntis Ingland,” binding himself to his “derrest cousing Schir Patrick Lord Glammis,” that, notwithstanding the Earl had charged his “eme” Robert the Grahame of Auld Montrose to recognosce in the Earl’s hands his lands of Balmuktis and Balinchois which Sir Patrick held of the Earl, and that because of certain alienations made of these lands without the Earl’s licence or consent, yet the recognition shall not prejudice Sir Patrick or his heirs, neither as to his fee and heritage nor his mail, but he shall “demanze” or possess them as if they were unrecognized and have them “to borch” (pledge) when he pleases to pursue the Earl therefor. At Abernethy, 15th January 1456–7. Seal impressed, much broken.

15. Extract (contemporary) from the books of the High Court of Justiciary, of the acts and conviction against Janet Douglas, Lady Glamis, and her son John Lord Glamis, for alleged conspiracy against the life of King James the Fifth, and of the sentences pronounced against them, 17th and 18th July 1537. [Printed in full in “Criminal Trials in Scotland,” by Robert Pitcairn, Vol. I., pp. 190*–191*, 199.*]

16. Precept by William Earl of Angus, &c., superior of the lands, in terms of an inquest made by his command before the bailie of the
regality and retoured to his chancery directing the bailies of his regality of Kerymure to infeft Patrick Lord Glamis, as nearest and lawful heir of his father, the late John Lord Glamis, Chancellor of Scotland, in the lands of Balmocattie, with mill, lying in that regality and sheriffdom of Forfar. Dated at the burgh of Canongate, 6th August 1599; witnesses, Sir Walter Scott of Branxholm, knight, Mr. William Scott of Grangemure, Mr. William Olyphant, of Newton, Advocate, and Mr. Oliver Colt, Advocate. Subscribed, "Gulielmus Angusie Comes."

II.—CHARTERS and other WRITS relating to the ABBEY OF Jedburgh and PRIORY OF ROSTINOTII, 1188—1561.


18. Sentence pronounced by the Sub-dean of York in a question between the Abbey of Jedburgh and the Bishop elect of St. Andrews as to the church of Aberlemno, 16th December 1239.

Omnibus Christi fidelibus ad quos presens scriptum peruenir, Johannes Romanus sub-decanus Eboracensis, salutem in Domino. Literas domine pape in hæc verba recepi:—Gregorius episcopus, seruus servorum Dei, dilecto filio magistro Johanni Romano sub-decano Eboracensi, salutem et apostolicam benedictionem. In illius prouisione qui ecclesiæ potest fructuosus existere mandatum debet prelatus apostolicum prenunire, quia id maxime in ecclesiæ lucrum convertitur quod ei tribuit per quem suis patenter necessitatis subuenitur, quin pocius quod vni digno concedimus multorum utilitaten absque dubio procuramus; Hinc est quod cum dilectus filius, Magister Johannes de ciuitate Antina, scriptor noster, suæ profeatis intnuit nobis acceptus existat et ecclesiæ de Jeddewrde ordinis Sancti Augustini Glæ[s]guensis dioecesis fructuosa exhibere possit obsequia, utpote qui propter accepta servicia quæ ecclesiæ Romane temporibus longis exhibuit sibi merito fuorem sedis apostolice comparauit; nos attendantes quod digne illi a quo servicia grata recepimus manum prouisionis munificam exhibemus; dilectos filios, Abbatem et conuentum eiusdem ecclesiæ de Jeddewrde rogandos, duximus attentius et hortandos nostris sibi dantes litteris in mandatis, ut eidem scriptori ob reuerenciam apostolice sedis et nostram in aliquo ecclesiastico beneficio competenti quod consuenerit clericis secularibus assignari, si uacat ad presens uel quam cito uacare contigerit, non obstante si eis super alterius prouisione direximus scripta nostra pruendere procurent, exhibentes sibi interim centum solidorum sterlingorum annuum pensionem; ita quod exinde deuocionem ipsorum merito commendemus. Quo circa discretioni tue per apostolica mandamus.
quatinus si dicti Abbas et consuetus mandatum nostrum neglexerint adimplere, tu eos ad solucionem pensionis ipsius sublatos appellacionis impedimento compellens mandatum apostolicum quod provisionem beneficii nichilominus exequaris, contradictores per censuram ecclesiasticam, appellacione postposita, compescendo, non obstantibus constitutione de duabus dieitis edita in concilio generali et indulgentia qua prelatus regni Scoacie a sede apostolica est indultum ne per litteras apostolicas extra regnum ipsum ualeant conueniri; nos enim ex nunc decernimus irritum et inane siquid contra mandatum nostrum contigerit attentare. Datum Interamnæ [Terni] xii kal. Februarii, pontificatus nostri anno decimo. [20 January 1237]. Harum auctoritate in mea presencia in ecclesia Sancti Petri Eboraci uocato canonico domino electo Sancti Andrei qui se donacioni Magistri Johannis de ciuitate Antina facte super ecclesia de Aberlemenach opponebat, idem electus per procuratores Magistros L. Trauers et W. de Mortuomari in castro Sancte Lucie in ecclesia Eboraci componuit, procuratore ibi comparente priore monasterii iam dicti; procuratores eiusdem hiis rationibus nitebantur collacione prefati magistri Johannis super dicta ecclesia de Aberlemenach contraire, scilicet, cum dicta ecclesia de Aberlemenach spectat ad eius donacionem, ut dicebant, tum de iure communi quia sita est in territorio suo, cum de iure speciali propter privilegia felicis memorie Lucii pape, et domini pape Innocencii episcopi Sancti Andrei indulta quorum nullum ostendebant vel sunt vsi, ut pars altera allegabat, nec obstant instrumenta canoniciorum ut aiebant. In primis instrumentum domini regis Wilemii tum quia sede vacante contulit ecclesiis memoratam quam conferre non potuit, nec confirmacio episcopi cum nulla fuerit collacio, nulla debuit esse confirmacio; preterea alienare non potuit absque subscriptione et confirmacione capituli, quae si postea fuerit secuta defuncto episcopo nullius esse momenti. Dicebant etiam quod nullo sunt partes inesse circa collacionem istius ecclesie cum plures ecclesie eius uacauerint ad quorum primam mea iurisdictione se extendebat quod falsum esse penitus est probatum. Quibus omnibus de consilio uiorum prudentum de iure cassatis et reprobatis, eandem ecclesiam de Aberlemenach ad dictorum abbatis et consuetus presentationem, magistro Johanni de ciuitate Antina auctoritate prescripta mihi commissa sentencialiter adiudecani hiis potissimum rationibus, quia credibile non fuit quod tantus et tam discretus bono memoria Wilemum Episcopum utriusque juris peritus in preediumum suum et sue ecclesiæ admisisset ultimam personam ad presentationem dictorum canoniciorum sicut ex eius instrumento apparat; nec etiam credibile uidetur quod inelice recordationis Rex Wilelmus, uric justus et pius, in detrimentum ecclesie in manu sua existentis aliud contulisset cum bona eiusdem augere quam minuere pocui sit conatus; vnde instrumentis legisittimis et documentis quam eorum sophistis allegationibus pocius sit credendum, et cum in possessione uluenti fuerint uera et pacifica ad eandem ecclesiæ presentandii eo etiam fortius quia idem canonici litteras electi in iudicio prolaturunt signo suo signatas, quibus rogabant eosdem dictam ecclesiam clerico suo conferri, quod quidem minime fecisset si ad suam spectare crederet donacionem. Decreui etiam per censuram ecclesiasticam cohercendo tam prefatum electum quam alios qui huic sententie se duxerint opponendos. Datum Eboraci, xviii kal. Januarii, anno gracie mcccxxx no.
about the church of "Aberleenach" or Aberlemno, on which a definitive sentence had been pronounced by the sub-dean of York, praying that the sentence may be confirmed by Apostolic authority, which the Pope directs to be done. [This writ is much defaced and worn, but it appears to be dated from the Lateran in April, probably of the year 1240.]

20. Notarial transumpt of charter by David [Bernham], Bishop of St. Andrews, granting and confirming, with consent of his chapter, to the Abbot and canons of Jedburgh (Jedworcht), the church of Restinot with chapel of Forfar adjacent there, and with all teinds, oblations, lands, and liberties pertaining to the church and chapel, "ita quod Abbas de Jedworth qui pro tempore fuerit priorem et fratres ibidem ponat et amoneat cum uiderit expedire prout hactenus fieri consuetum est et prior qui ibidem pro tempore administrerit curam habeat tocius parochie de Restinot et de Forfar dicto Abbati de temporalibus nobis nero et successoribus nostris de spiritualibus responsurus et faciat tam in matrice ecclesiae quam in capella per canonicos nel capellanos ydoneos congrue deseruire." The Bishop therefore declares the said church and chapel to be free from all synodal and other been understood that they were, "et ut ipsa capella nulla dedicatione ipsius uel cimiterii matrici ecclesie de Restinoth preiuidicante, ad ipsam iure parochiali spectet et eidem tanquam membrum imperpetuum uinita permaneat." Dated at Restinoth on the vigil of St. Bartholomew the Apostle when the chapel of Forfar was dedicated [i.e., on the 23rd August] of the year of grace 1242. [This transumpt was made on 24th August (St. Bartholomew's day) 1474, at the instance of Robert, Abbot of Jedburgh, in the Abbot's lodging in Edinburgh, Sir William Forfar, prior of Restinot, William Turnbull, and Alexander Pryngyll, witnesses. John Lockhart, notary.]

21. Notarial transcript (without date) of the above grant of 1242 by David, Bishop of St. Andrews, and also of the following confirmation:—

"Confirmaatio de ecclesia de Restinoth. Omnibus sancte matris ecclesiae filius, etc. Prior et conventus Sancti Andrei etiam in Domino, salutem. Nonester vniuersitas vestra nos ratam et gratam habere concessionem et confirmationem venerabilis patris nostri, Davidi, Dei gratia episcopi Sancti Andrei, quam fecit Abbati et canonici de Jedwoo super ecclesiam de Restinoth et capella de Forfair, cum pertinencii suis et libertatibus, secundum quod in carta eiusdem episcopi planius continetur. In cuius rei testimonium, etc." He sunt vere copie principalium scriptorum supra-criptorum [the two writs now referred to, Nos. 20 and 21], extracte de regestro monasterii Sancti Andrei et collationate per venerabilem virum dominum Dauidem Guthre, tertium priorem eiusdem monasterii, et nos connotarios subscriptos cum suis originalibus concordantes, coram discretis viris Hercule Guthre de Owrir Dyasart, domino Joanne Scot, canonico dicti monasterii, magistro Roberto Funt et Johanne Wilson, notariis publicis, testibus, et nostris subscriptionibus manuallibus. Ita est David Hervy, notarius publicus, manu sua scriptis. Ita est M. T. Hervy, notarius in premissis, manu sua. Ita est Dominus Dauid Guthre, tertius prior ac custos huius registri, etc."

22. Charter by the Prior of St. Andrews confirming a letter by Bishop Lambert to the Priory of Restennet. "Vniuersis Christi fidelibus ad quos presens scriptum perueniret, Johannes, Dei gracia Prior Sancti Andrei et eiusdem loci conventus, salutem in Domino sempiternam . . . vniuersitati vestre per presentes innotecimus
23. Agreement between James, Bishop of St. Andrews, for himself, his church, and his successors, bishops, on the one part, and Friar John of Eskdale, Prior of Rustinot, for himself and his priory and as procurator for the Abbot and Convent of Jedburgh, on the other part, to the effect that the bishop, with consent of his chapter, has granted in fee farm and demise to the Prior of Rustinot and his successors, his whole land of Rostcolby, with its pertinents, &c., with mill and kiln, reserving to the bishop and his successors, the place which is called "Mons" or place of pleas for holding his court, "et superiori dominio terre predicte et como seriendo cum eodo commoditate ait et uti quod dicetur 'pundfeld' et vsu in communis pastura pro propriis animalibus dicti seriendo in materia numero successions," and that for a yearly rent to the bishop and his successors of fourteen marks sterling, seven shillings of rent of a part of the lake of Restynot inclusive being computed an equal moiety; the entry of the Prior to be at Pentecost 1331, the first term's payment beginning at Martinmas of same year, for all burdens, it being understood that the Prior shall be free from all carriages, &c., in the land, and he shall not be bound to make suit at the bishop's court. The prior for himself and his successors pledges the goods of the priory present and future to pay the rent. Clause of warrant to the bishop. Dated at Lundy in Angus, 6th September 1330. Seals wanting.

24. Another Tack or Grant by William of Lawndelys, Bishop of St. Andrews, referring to an agreement between his predecessor the late James Benedict (or Bennet), Bishop of St. Andrews, and the late John of Eskdale, Prior of Rostynoth, "super terris . . . de Roscolby et Rosfolfe eodem priori et suis successoribus priobus de Rostynoth in perpetuam assedatis," by which the prior agreed to pay the bishop twenty marks sterling for the lands, "quequidem pecunie summa quamuis eodem episcopo aliquidus annis retroactis paucissimis tamen persoluta fuerit. Nos tamen consideratis modernis temporibus que duriora et deteriora sunt solito ac hostilitatibus et persequecionibus que fenueceius vigent his diebus, nec non et dampuis ac grauaminibus que ex huiusmodi compositione dictus prioratus de Rostynoth evidenter
sustinuit; ad bonum conscientia recurrentes ac equitatem in hac parte volentes preferre rigori, habito super hoc consilio et assensu capituli nostri ac diligentia tractatu et deliberacione de peritorum et fidelium consilio, dictam composicionem cum moderamine sic duximus relaxandam. Et volumus ac per presentes concedimus quod dominus Alexander del Faïkyre, nunc prior de Rostynoth, nobis et successoribus nostris, episcopis Sancti Andree, solutat pro dictis terris pro tempore ipsius decem marcas sterl. o. annuam proportionaliter ad duos annos terminos consuetos; et si dicte terre pro maiori summa assedari poterunt per ipsum priorem vel camerarium nostrum aut successorum nostrorum presentem cum ipso in asseclacione tantum, nobis et dictis successoribus nostris soluet ad quantum asseclatio dictarum terrarum altius se extendit, predicto vero domino Alexandro cedente vel decedente vel alias qualitercumque translato vel promoto, volumus et ordinamus quod composicio inter dictum predecessorem nostrum et prestatum dominum Johannem, priorem tunc de Rostynoth, prius facta in suo robore permaneat et ad statum pristinum liber neuerertur; quod antem ad huiusmodi composicionem relaxandam et moderandam rerum experientia docente ac dispositione suadente temporum consensusimus equitas et bonum conscientia nos induxerunt, et hoc nostris successoribus efficaciter et expressius indicamus. In cuius rei testimonium sigillum nostrum vacuem sigillo communi capituli nostri presentibus est appensum. Datum apud Sanctum Andream, die Mercurii in festo Sancti Georgii Martiris, anno Domini millesimo tricesimino quinquagesimo] . . . [the last words being torn away, but the year was probably 1354, and the day 23rd April]. Bishop's seal still appendeed, but much defaced.

25. Letters by Andrew Dempster, uncle, Finlay son of William, and John of Cullas, lords of the lands of Menmuir, narrating that they were bound to the prior and canons of Rostynot for the time in four pounds of good and lawful sterlings by reason of the teind penny due yearly to the prior, &c., from the lands of Menmuir, payable in each year for ever within the Priory of Rostynoth, beginning at Whitsunday next; and if the granters fail to pay the sum in whole or in part within fourteen days of any term, they oblige themselves, their heirs, lands, men, and goods, that the latter shall be distrained wherever found, for payment of eight merks of sterlings at the terms proportionally to the prior, &c., in name of the value (“extente”) of the teind penny made to them of the lands. Because their seals are little known, they procure the affixing of the seals of William, Bishop of St. Andrews, Patrick, Bishop of Brechin, chancellor of Scotland, David Graham, lord of Ald Monros, and Robert Ramsay, then sheriff of Forfar. At Kynell, 8th October 1360. [This obligation will be found printed in the Registrum Magni Sigilli, Vol. I., p. 43, narrated in a charter of confirmation by King David the Second at Scone, 3rd August 1365.]

26. Letters by Patrick, Bishop of Brechin, Chancellor of Scotland, testifying and declaring that he had seen a charter by the late David, King of Scots, son of the late Malcolm, King of Scotland, and of St. Margaret, Queen, from which he plainly and fully perceived that the prior and canons of the priory of Rostynot were infeft of old in twenty shillings yearly from the rents (firmis burgi) of the burgh of Monros for light to the church of Rostynot, as well as in the teind pennies (decimis denariis) of these rents, and that the prior, &c., held these rents by a foundation and infeflement earlier than that by which
the Bishop of Brechin and his predecessors held the annual rent due to them from the said burgh; wherefore the bishop makes known that it is not his will that the prior and canons or their successors should at any time be hindered in their receipt of the twenty shillings or the teind pennies because of the annual rent due to the bishop. Dated at Fernuall, 1st May 1361.

27. Notarial Instrument narrating that in the Apostolic Chancellary before Simon Archbishop of Patras for Roderick Bishop of Albania, Cardinal Valentin, Vice-Chancellor of the Holy Roman Church, and in presence of the notary and others, an honourable man, Sir William Lyndesay, lately prior of the Priory of Restanet, of the Order of St. Augustine, St. Andrew’s diocese, appeared by Sir William Turnbull, his procurator, and made faith that he consented to resignation and the expending of letters of said priory, which has been by apostolic authority perpetually united to the Abbot’s table (“mense Abbatiali”) of the monastery of Jeddworth; moreover the procurator swore upon the soul of the principal resigner and upon the gospels that no fraud, guile, simony, or bribery intervened in this resignation. Done on 12th June 1476. Witnesses, James “de Rizinibus” and Celsus “de Mollinibus,” two abbreviators of the apostolic letters.

28. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared William, Prior of Restinoto, in the church of St. James the Apostle, in the burgh of Forfar, and delivered to be read a procuratory (dated at Edinburgh, 21st October 1486) by Mr. David Steuart, pensioner of Rostinoto, appointing his chaplains, John Lowtholt and Gregory Lauder, to appear in his name before William Rutherfurd, Prior of Rostinoto, and to receive and take full count and reckoning from him of the surplus of Mr. David’s benefice of Aberlempno, and to uplift and receive the surplus of the sum of two hundred merks remaining unpaid to him, besides the amount to which his church of Aberlempno extends; also to account for the receipts, give acquittances, and all other things to do belonging to the office of procurator. Which procuratory being read, Prior William desired a notarial instrument, protesting that if any frivolous or fraudulent exceptions were contained in the procuratory regarding the business, they should not prejudice him or his place of Rostinoto, nor hurt his right. He moreover alleged that the sheriffs deputed by royal letters to divide the teind sheaves of the parish church of Aberlempno had not duly executed their office because they were not sworn to that effect, neither also did they fulfill the engagement in the royal letters that they should choose the nearest neighbouring gentlemen and other trustworthy men to value the teind sheaves of Aberlempno to their highest value, but they selected no others to this effect, but the parishioners of the parish, who estimated the teind sheaves favourably and not at their highest value, which of right they (the sheriffs) ought not to have done. Done in the said church 24th October 1486. Witnesses, James Rynde of Broxmouth, Alexander Ramsay of Wodwray, James Ramsay, Sir Alexander Guthrie, chaplain, Andrew Lindesay, William Piot, and Thomas Strang. William Thornton, notary.

29. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared David Lyon, tutor, and in name of John Lord Glammys, brother and heir of the late George Lord Glammys, as he asserted; who with due reverence presented to Henry, Abbot of Jedworth, a precept (dated at Edinburgh, 6th February 1510) from
the chancery of King James the Fourth, directing Henry, Abbot of Jedburgh and the convent there, as superiors of the lands, to infeft John Lord Glammys as lawful and nearest heir of his late brother, George Lord Glammys, retoured before the sheriff of Forfar in the lands of "Ardfork," in the sheriffdom of Forfar; which precepts being read the tutor made humble petition that the Abbot would give sasine in terms of the brief. The Abbot responded that he was willing by himself or his bailies to fulfill all things contained in the brief without delay and according to law. Done in the public street (publica platea) of the town of Edinburgh at 9 a.m. on 25th February 1510–11. Witnesses, Robert Cotis, vicar of Cassilton, Charles Levington, George Gude, Thomas Vernour, and Walter Gledstanes, John Inglis, notary.

30. Letters by John [Hume], Abbot of Jedburgh, granting to Mr. Alexander Lyon, chanter of Moray, his heirs and assignees, the non-entry duties of the lands of Ardoch or Cossynnis, in the sheriffdom of Forfar, for all the years during which the lands have been in the Abbot's hand by reason of non-entry, and for the years and terms until the entry of the rightful heir. Dated at Edinburgh, 21st May 1532. Signed "Ioanne, Ab* of Jed." Oval seal appended. Under a canopy, in centre compartment, the Virgin and Child on an ass led by St. Joseph. A tree in the background bending down its branches, from one of which the Virgin is plucking the fruit. Beneath an ecclesiastic praying. Legend partly illegible. S. Ioannis, Abbatis Mon. de Jedward.

31. Precept by John, Abbot of Jedburgh, for infefting John Lord Glammis as nearest and lawful heir of his predecessor the late John Lyon, of Glammis, Knight, Chamberlain of Scotland, last vest and seised in the lands of Ardoch or Cossynnis, in the sheriffdom of Forfar, held of the Abbot in chief. Dated at Edinburgh, 21st May 1532.

32. Charter by John, Abbot of Jedburgh, with consent of the chapter, granting and confirming to John Lyon, Lord Glammis, his heirs and assignees, the lands of Ardoch or Little Cossynnis, in the sheriffdom of Forfar, also granting all right or claim which the Abbot or his predecessors had to the non-entries of the lands; to be held to the grantee in fee and heritage for paying to the Prior of Rostinoth for the time the sum of forty shillings Scots yearly in name of feu farm. Dated at Jedburgh, 25th October 1534. Signed, "Johannes, Ab* de Jed," and nine of the convent also sign. Seal detached somewhat broken and defaced. Obverse, two figures in a centre compartment, representing the coronation of the Virgin. Legend, Sigillum commune cap[t]uti de Jedworth. Foliage and tracery. Reverse, four niches, the two centre figures being apparently Christ and the Virgin, and two ecclesiastical figures in each of the other niches, which are divided in the middle. Legend beginning "mater," the rest illegible. [The Abbatt granted a precept of sasine on the same date to which a fragment of the chapter seal is still attached, which was followed by sasine in due form on 2nd March 1536–37.]

33. Precept of Clare Constat by Andrew, Commendator of Jedburgh and Restennett, for infefting John now Lord Glammis, as nearest and lawful heir of his father, the late John Lord Glammis, in the lands of Little Cosnes, in the barony of Restennet and sheriffdom of Forfar, held of the Abbot in feu farm. At Edinburgh, 4th June 1551. Signed,

34. There is also a “Rentale omnium annuorum reddittuum Priori de Restennett et conventui eiusdem pertinentium de terris subscriptis jacentibus infra vicecomitatum de Forfar,” but it need not be given in extenso here, as it has been printed in full in “Memorials of Angus and Mearns,” by A. Jervise. Ed. 1861, pp. 478-480, App. No. XVII.

William Fraser.

Edinburgh, 32, Castle Street,
8th June 1893.
REPORT UPON THE CORRESPONDENCE OF LORD CHANCELLOR SEAFIELD, WITH SIDNEY, EARL OF GODOLPHIN, LORD TREASURER OF ENGLAND, AND OTHERS, PRESERVED AT CULLEN HOUSE, BANFFSHIRE, NOW THE PROPERTY OF THE RIGHT HONOURABLE CAROLINE, COUNTESS DOWAGER OF SEAFIELD.

This Report is divided into the following sections:—

I. Royal Letters and Instructions from Queen Anne, to James, Earl of Seafield, Lord Chancellor, 1704–1705, and also Letters from William, Duke of Cumberland in 1746 and 1748.


III. Letters from the Earl of Seafield to King William and from statesmen and other writers of note to James, fourth Earl of Findlater, and first Earl of Seafield, also a few letters to his grandson, James, sixth Earl of Findlater, and third Earl of Seafield, 1700–1785.

IV. Miscellaneous Writs in the Charter Room at Cullen House.

James Ogilvie, Viscount and Earl of Seafield, who was the last Lord High Chancellor of Scotland, was the second son of James, third Earl of Findlater. By the death of his elder brother, Walter, Lord Deskford, he became heir apparent to the Earldom of Findlater, during his father’s lifetime. He studied for the Scottish Bar, and was admitted Advocate in January 1685. His success in his profession was great and his promotion rapid. He was appointed Solicitor-General for Scotland in 1693, and Secretary of State in 1695, an office which he held until November 1702, when he was made Lord High Chancellor of Scotland. Two years later he was removed from that office, but was again made Secretary of State. In March 1705, however, he was restored to the office of Chancellor, which he retained until after the union of the Kingdoms in 1707; and in the following year, 1708, he was made Lord Chief Baron of the Court of Exchequer. His services to the State were rewarded by his elevation to the peerage during his father’s lifetime, first in 1698 as Viscount Seafield, and in 1701, as Earl of Seafield. He succeeded his father in 1711 as Earl of Findlater, and thenceforward known as Earl of Findlater and Seafield till his death in 1730.

Notwithstanding that the Earl of Seafield zealously promoted the union between Scotland and England, the extension of the malt tax to Scotland was considered by him such an infringement of the union that in 1713 he moved in the House of Lords for leave to bring in a Bill for dissolving the union. The result was considered damaging for the union as the votes of 108 peers present were equal, and the proxies made only a majority of four out of 138. Soon afterwards the Earl
appears to have been consoled by his appointment as Keeper of the Great Seal and presided in the Session as Chancellor.

Most of the letters now reported on were written to or by Lord Seafield in his capacities of Secretary of State or Chancellor. The earliest in point of date are Nos. 48–50, written to King William about the middle of the year 1700. They are of interest as showing the advice which Lord Seafield gave to the King at that critical juncture when Scotland was greatly excited about the failure of the Colony of Caledonia.

These three letters are the only papers relating to the reign of King William the Third. The next in date, Nos. 51 and 52, are from James, second Duke of Queensberry, who was appointed High Commissioner to Queen Anne's Scottish parliament of 1703, and relate to his preparations for entering upon his duties. Of the same year are Nos. 9–12, from the famous Sidney, Lord, afterwards Earl of Godolphin, High Treasurer of England, who managed the government of both kingdoms at this time. As is well known the parliament of 1703 was somewhat turbulent and its results not satisfactory to the Queen, and we have some plain hints from Godolphin as to what was expected of Her Majesty's ministers in Scotland, one letter, No. 11, even indicating the policy which was afterwards adopted of treating Scotland as an independent State which might, if she chose, declare war against England.

The letters of Lord Godolphin are numerous and those which have been selected for reporting form the second section of this Report. The first four relate to the year 1703, and have been referred to. The next fifteen of the series, Nos. 13–27, deal with the year 1704, which was also a troublesome period. Nos. 1 and 2 of the Report should also be read along with the letters of this year, as they contain the special instructions given by Queen Anne to Lord Seafield as Chancellor for promoting the measures recommended by Her Majesty. These express her views on the settlement of the succession, and her determination to attain her ends. Lord Godolphin's letters all more or less emphasise the same policy. They also indicate the feeling of the government at the refusal of the Scottish Parliament to comply with the royal wishes. References are likewise made to fears of invasion by France. To this year also belongs letter No. 54 from John, first Duke of Athole, one of the opponents of the government.

Nos. 28–36 contain the High Treasurer's letters for 1705, a most important year, when, under John, Duke of Argyll, as Commissioner, and Lord Seafield as Chancellor, the first step towards the union was made by passing an Act appointing Commissioners for a treaty between the two kingdoms. To this year also belong letters Nos. 3 and 4, the former of which contains a reprieve for the crew of the "Worcester" accused of piracy. As is well known, Captain Green, the master of that ship, which was a heavily armed vessel, was accused, with his men, of having attacked a ship belonging to the African or Darien Company and murdering her crew. Green and two of his men were hanged, while the remaining eleven were ultimately released.

After 1705, Godolphin's letters become less frequent, and they cease with No. 47 in February 1712.

The remaining letters to Lord Chancellor Seafield are chiefly contained in Section III. of this Report. They run from No. 55–83, between the years 1704 and 1725, and are of a miscellaneous character. The Dutch Ambassador's complaint in No. 57 shows some difficulties in the way of free trade. Two letters from William Penn, the founder of Pennsylvania, Nos. 59 and 66, and two from Sir Isaac Newton, Nos. 69 and 70, may be noted. There are also letters from the Duke of Marlborough
Nos. 71 and 72, and his Duchess, Nos. 80 and 81. Other letters are from Lord Loudoun, General George Wade, and John, sixth Earl of Mar, afterwards the Jacobite leader. One letter of some interest during this period is No. 5, a contemporary copy of a communication by King George the First to Philip the Fifth of Spain, which contains a promise to consult Parliament about a proposed restitution to Spain of the recently acquired fortress of Gibraltar.

The rest of the letters reported on, Nos. 7, 8, and 84—88, are written to or by later Earls of Findlater and Seafield. They include two letters from William, Duke of Cumberland. Of the others, the most noteworthy are No. 85, by Henry Home, Lord Kames, on the subject of the coal tax, and No. 88, from James Burnett, Lord Monboddo, which contains some of his peculiar views on the subject of human population.

The fourth section of the Report, Nos. 89—108, contains notices of a few miscellaneous writs other than correspondence. They are of dates between 1480 and 1746. The earliest, No. 89, relates to the burgh of Cullen and the management of its revenues. No. 91 is a dispensation in 1524, for the marriage of a daughter of William Keith, third Earl Marischal, not mentioned by genealogists, and the writ is specially interesting as narrating the links in the chain of consanguinity. No. 93 narrates the erection of a chapel of Deskford in the year 1543 into a parish church, while the parish attached to it was disjoined from the older parish of Fordyce.

The latter will, recorded in No. 94, of James Ogilvy of Findlater, dated in 1565, recalls the fact that he was the victim of a conspiracy to defraud him of his inheritance. His father, Alexander Ogilvy, married about 1535 a second wife, Elizabeth Gordon. Her friends influenced her husband to disinherit his son, James, who only recovered his estates a year or so before 1565; and, indeed, although he dates from Findlater, his possession of it was not fully secured until the following year. He died some years later. His grandson, Walter Ogilvy, who is in No. 96 recognised by Alexander Ogilvy of Boyne as his chief, was the first Lord Ogilvy of Deskford, and father of the first Earl of Seafield. The inventory of apparel given in No. 99 is the continuation of the inventory of jewels recited in the Report on the muniments of the Earl of Eglinton [Report X., Part I., p. 35]. Both jewels and clothes belonged to Lady Anna Hamilton, first wife of Hugh, seventh Earl of Eglinton. Her only child, a daughter, married James, third Earl of Findlater, and was the mother of Lord Chancellor Seafield.

Of the remaining documents, No. 103 chronicles a quarrel between the bailies of Cullen and a neighbouring proprietor in 1656 as to marches. No. 104 shows one form of the perquisites of the office of Secretary of State. No. 116 indicates the existence of various cyphers in use between the statesmen of Queen Anne's time. No. 107 refers to the family of Seton of Pitmedden, and No. 108 deals with the political and other proclivities of the Faculty of Advocates in 1745.*

* A brief Report was made by the late Dr. John Stuart on the manuscripts at Cullen House [Third Report, 1872, page 403]. The correspondence and other writs in the present Report were afterwards found by me in 1874 in the garret above the carpenter's shop near Cullen House. No paper was found with them to explain when they had been removed from the Charter Room.
I.—ROYAL LETTERS and Instructions from Queen Anne to James, Earl of Seafield, Lord Chancellor, 1704–1705; and also Letters from William, Duke of Cumberland, in 1746 and 1748.

1. "Anne R. Instructions to our right trusty and right well-beloved cousin and counsellor, James, Earle of Seafield, our Chancellor. You are to repair to Scotland without loss of time and there make known our pleasure that wee are fully resolved to doe all that in us lieth to have the succession settled falling airs of our body on Princess Sophia of Hannover and the airs of her body, and that wee will employ none in our service but such as will concur in so necessary and so good a worke. 2°. In order to the compassing of this wee doe hereby impower you to give to men of quality and interest such assurances of our favour as you shall judge necessary. And wee, reposing intire trust in you, are resolved to make these assurances good. And this you may shew as your credentiall, but doe it only where the shewing of it is absolutely necessary to create a confidence in you. Given att our Court att Saint James's, the 5th day of Aprile, 1704, and of our reign the 3d year. A. R." [Original Writ.]

2. "Anne R. Instructions to our right trusty and well-beloved cousin and counsellor, James, Earle of Seafield, our Chancellor.

"1st Notwithstanding of our general instructions of this date you are to governe your selfe in the use of them, and in all your proceedings, both as to persons and things accordance to the following instructions.

"2nd Ass soon as it is determined who shal be our commissioner, you are to act jointlie in evrie thing with him and with such others as you and he shall think fit to trust.

"3rd You are to let the Marques of Tweeddal know how good ane opinion wee have of his capacitie and probitie, and of his duty and affection to us, and therfor we have resolved to make him our commissioner to the next session of Parliament, and to provide him with ane honourable share in the administration when the session is over, not doubting but that he will use his best endeavours to bring the measures to bear contained in our other instructions which are so necessarie both for the good of our service elswhere and for the peace and happiness of that our kingdom.

"4th As to the limitations your publick discourse is to be that wee are resolved to have no misunderstanding betwixt us and our Parliament upon that head, and therfor we will grant such limitations as can be reasonabile demanded; but you are to let our commissioner know and thos whom you and he find it necessarie to trust, that rather then the succession should not be setteld wee will consent that the nomination of officers of State, counsellours, and judges be made by our successors in the maner agreed to by our royal grandfather in the Parliament 1641, providing always that ther be a clause in the Act of Settelment bearing that whenever ther shall be ane union whither in government or in trade agreed on betwixt the two kingdoms then both the Act about peace and warr and the forsaid limitations as to the filling of places shall cease and be void and null.

"5th In this matter of limitations tho' we expect that our servants will have all the respect to the monarchie they can, yet wee consent that their main rule be to manage themselves so as to carie a majoritie for the setteling of the succession.

"6th And for the making the settelment of the succession mor practicable and to convince our peopel that wee have nothing befor our
eyes bot ther good, you are to make known that wee are resolved to
give our consent in this nixt session to Acts to take effect in our time
for triennial Parliaments, for declaring al farmers or collectors of the
revenue incapable in any succeeding Parliament of being Members of
Parlament, and for securing the impartial administration of justice in
so farr onlie as Acts of Parliament are necessarie for the doing of it, by
seperating the justice of the nation from the policie of it; and wee will
also consent to any other acts of which wee shal be convinced that the
passing of them may contribute to the happiness of that our ancient
kingsdome.

"7th As to the lords and gentlemen of qualitie and interest that are
averse to the succession, you are to leat them know from us that the
speedie settling of it in Scotland is indispensablie necessarie for the
peace and quiet of our reigne in all our dominions, and that we will take
their compleny and submission to our pleasur in this matter for ane
unquestionable proofs of ther dutie and affection to us, and as to such
of them as you cannot prevail with to concurr, you are to endeavour
at least to soften them in their opposition, or to get them to be
absent.

"8. You are with the Marquis of Tweeddal and such others as you
and lie shal trust to take this whol mater of the succession into
consideration, and the proper and necessarie means of succeeding in it, and
upon the judgement you shal make of it, you are to send us ane draught
of a letter to be writne by us to our Parlament and a draught of
instructions to our Commissioner, and to lett us know what is in your
opinion to be added to the foundation we have laid in our instructions
to you or what is to be altered in them. For wee are resolved to leav
nothing undone on our part that can any wayes contribute to the
seteling of the succession.

"9th As to places, wee are resolved to proceed by the same rule, that
is, to vacat them or not vacat them, and fill them or not fill them, and to
doe either of them befor or after the session of Parlament as shal be
judged most advisable for the settling the succession; and this being our
fixed and declared rule, it is our pleasur that the commissioner and you
with thos that you and he shal trust governe your selvs by the same
rule in the advices that wee requer you to transmitt to us in this mater
ass soon as convenientlie you can.

"Bot notwithstanding the preceeding instruction, and that without
further loss of time you may have some men of interest to go in heartilie
with the commissioner and you in your deliberations, and the pains that
are immediatlie upon your arival to be taken with the members, you
are, as soon as the Earles of Rotheres and Roxburgh and Mr. Bailie of
Jerveswood declar themselves free and willing to ingadge in our measurs,
and not till then, to let them know that we are resolved to make the
Earle of Rotheres governour of our Castel of Edinburgh, or to provid him
otherwayes in such maner as that he shal be satisfied, and the Earle
of Roxburgh our secretarie, and Mr. Bailie of Jerveswood our thersurer depute; bot as to the time of declaring them, befor the
session or after, you are to advise with the commissioner and transmitt
his judgment and yours to us. Given att our Court at Saint James's
the fifth day of April 1704, and of our reigne the third year.  A. R."
The whole is in the handwriting of the Earl of Seafielde himself.
[Original writ]

3. "Anne R. Right trusty and right entirely beloved cousin and
councillor, right trusty and right well-beloved cousin and councellor,
right trusty and right well-beloved cousins and councellors, right trusty
and well-beloved cousins and counsellors, right trusty and well-beloved counsellors, and trusty and well-beloved counsellors, we greet you well. Understanding that some of the crew belonging to the ship Worcester, and condemned for piracy and murder, are reprieved only to the twenty-seventh instant, and we having received several informations appearing to us to tend evidently to the clearing their innocence, particularly the declarations of two men now here at London, who went out with Captain Drummond, and continued with him till his ship was seized by pirates at Madagascar. And the deniyall of those who have already suffered giving also ground to doubt of their guilt, we therefor authorise and strictly require you to give a further repreive, and to renew the same from time to time to all of that crew until a fuller and clearer discovery shall be got of that whole affair. So we bid you heartily farewell. Given at our Court at St. James's, the 23rd day of April 1705, and of our reign the 4th year. By Her Majesty's command.

AL. WEDDERBURN.

Addressed to "John, Duke of Argyll, our Commissioner, James Earle of Seafield, our Chancellor, and the rest of the lords and others of our Privy Council of our ancient kingdom of Scotland. Reprieve to Greens Crew."

4. "Anne R. Right trusty and right wel-beloved cousin and counsellour, right trusty and wel-beloved cousins and counsellors, and trusty and well-beloved counsellors, wee greet yow well. Whereas wee have taken to our royall consideration that the lodgings formerly appointed for the Lord High Chancellor of our ancient kingdom of Scotland was lately destroyed by accidence of fire, therefore wee have seen it fitt and are resolved that James, Earle of Seafield, present Lord High Chancellor for the said kingdom, be provided with convenient lodgings within our palace of Holyrood House, with kitchins, cellars, and other offices therein, with convenient stables and coach-houses therabout, and that the samen be annexed to the said office of Lord High Chancellor in time coming. Therefore our will and pleasure is, and wee do hereby authorize and require yow to appoint unto him the lodgings lately possessed by late Earle of Southerland, and now by the Countess Dowager of Southerland, his relict, together with convenient kitchins, cellars, and office houses therein, with coach-house and stables therabout, by particular warrant under your hands, to be recorded in your books. As also that yow take speciall care that these lodgings and others above mentioned be speedily repaired and fitted for his accomodation therein. And wee have annexed, and hereby annexes, the said lodging, office houses, and others above mentioned to the said office of our Lord High Chancellor within the said kingdom in time coming. Wee have also signified this our pleasure to the Dutchess of Hamilton, keeper of the said palace, and which wee have also appointed to be recorded in your books. And souwwe bid yow heartyly farewell. Given at our Court att Windsor Castle the 15th day of September 1705 and of our reign the 4th year. By Her Majesties command, David Nairne." Addressed to "James, Earle of Seafield, our Chancellor, and the rest of the lords and others Commissioners of our Treasury of our ancient kingdom of Scotland. Chancellor's lodgings."

5. Monsieur mon Frere,—J'ay appris avec une extreme satisfaction par le rapport de mon ambassadeur a votre cour que votre Majesté est enfin resolue de lever les obstacles qui pour quelque temps ont retardé
l'entier accomplissement de notre union. Puisque par la confiance que votre Majesté me tmoigne, je puis regarder les traités qu'on été en question entre nous comme rétablis, et qu'en conformité les pieces nécessaires au commerce de mes sujets auront été extradées. Je ne balance plus à assurer votre Majesté de ma promptitude à la satisfaire par rapport à sa demande touchant la restitution de Gibraltar luy promettant de me servir des premières occasions favorables pour regler cet article du consentement de mon Parlement. Et pour donner a votre Majesté une preuve ulterieure de mon affection, j'ay donné ordre à mon ambassadeur, aussitôt que sera terminée la negotiation dont il a été chargé de proposer à votre Majesté de nouvelles liaisons de concert et conjointement avec la France convenables dans les conjonctures presents, non seulement à affermir notre union, mais a assurer le repos de l'Europe, votre Majesté peut être persuadée que de ma part j'apporterray toutes les complaisances possibles ce que je me promets aussi d'elle pour l'avantage commun de nos royaumes; étant très parfaitement, monsieur mon frere, de votre Majesté le bon frere, George R.

"À St. James le 1er Juin 1721.
"Au Roy d'Espagne, Monsieur mon frere." [Contemporary copy.]

6. "George R. Right trusty and right well-beloved cousin and counsellor, we greet you well. Whereas the fourth day of October next is appointed for the royal solemnity of our and the queen's coronation, these are to will and command you (all excuses set apart) to make your personall attendance on us at the time above mentioned, furnished and appointed as to your rank and quality appertaineth, there to do and perform all such services as shall be required and belong unto you, whereof you are not to fail. And so we bid you most heartily farewell. Given at our Court at Richmond the 19th day of August 1727, in the first year of our reign. By His Majesties command. Sussex, M."

"To the Earl of Findlater." [Original.]

7. "Kensington, September the 23rd, 1746. My Lord, I received yours last Saturday, but had not to answer it then. I shall make use of the paper you sent me inclosed without any mention being made of the author. I hope the country agrees with you, and thank you for your unwearied zeal for the king's service. I am, your affectionate friend, William." [Holograph of the Duke of Cumberland.]

8. "Hague, the 5th April, N.S., 1748. My Lords Findlater and Leven, I have received your letter of the 18th of last month, O.S., and I am extremely well pleased to see by the list I have received the success that has been met with in the chusing and electing of the sheriffs depute for the severall counties in North Britain. I hope the expectations you entertain of their behaviour will fully answer our wishes, and I am the more confident it will prove such, as I know by experience your zeal and prudence in what regards the service of His Majesty and the good of your country. I shall always be very glad of every opportunity that offers to show you that I am, your affectionate friend, William."

II. LETTERS from Sidney, Lord, afterwards Earl of Godolphin, Lord High Treasurer of England, to James, first Earl of Seafield, Lord High Treasurer of Scotland. 1703-1712.

9. Acknowledges receipt of a letter with enclosure from Lord Tulibardine, and expresses satisfaction at their agreement, as it would
be to the advantage of the Queen's service. "The D[uke] of Qu[ eensberry] and Lord Tarbat have acquainted mee with the tumult at Glasgow, but that letter of the queen's to the Councill of Scotland, which seems to have been the occasion for it, to my best remembrance I never saw nor heard of before, and therefore I believe it must have been concerted here at some meeting when I was not present.

"I agree entirely to your lordship's notion of endeavoring to have the queen's authority confirmed in this parliament, and not to aim at anything besides in this session which may occasion heats and disputes, but to get it ended as soon and as smoothly as you can." He had mentioned Lord Seafield's letter to the Queen, who was convinced of Lord Seafield's zeal and affection, and relied upon his prudence and capacity for the success of her affairs in Scotland. 13th March 1703.

10. He has received two letters, one in answer to his own of 17th June, the other regarding a dispute between Lord Seafield and the president of the Council, "by which your lordship has had a fresh opportunity of showing your great temper, and concern for the queen's service, from whom you may depend on receiving all justice when the proper time shall come." He acquiesces for the present in Lord Seafield's judgment respecting a matter mentioned in his letter of 17th June; but he is hopeful, when an opportunity occurs for more calmly considering it, it will appear entirely for Her Majesty's interest both here and there. 13th July 1703.

11. "Windsor, July 17th, 1703. My Lord, I had the honour of your lordship's of the 10th before I left London, but had not time to answer it by the pacquett Mr. Nairn dispatched from thence on the 15th at night.

"I beg leave to represent to your lordship that as to the Act of putting the power of peace and warr into the Parliament, which has always been one of the chiefest flowers of the Crown (and in this case perhaps a very necessary one for the good of the subject), though the queen was unwilling to refuse my lord commissioner such an instruction as he desired—to consent to it in case of necessity—yet Her Majesty could not but bee sensible at the same time that the consenting to such an Act might prove extremely inconvenient both to England and Scotland. And therefore, though she finds her other servants doe generally concurr in the desire of such an instruction to her commissioner to bee made use of in case of necessity, yet she hopes and expects from them all that they will also concurr in endeavouring to prevent that necessity as far as it is possible.

"Pray, my Lord, allow mee for argument's sake to suppose the case were now hapned.

"England is now in warr with France. If Scotland were in peace and consequently at liberty to trade with France, would not that immediatly necessitate a warr betwixt England and Scotland also, as has often been the case before the two nations were under the same sovereign. And though perhaps some turbulent spirits in Scotland may bee desiring to have it soe again, if they please to consult history, they will not find the advantage of those breaches has often been on the side of Scotland. And if they will give themselves leave to consider how much England is increased in wealth and power since those times, perhaps the present conjuncture will not appear more favorable for them, but, on the contrary, rather furnish arguments for enforcing the necessity of a speedy union between the two nations,
which is a notion that I am sorry to find has soe little prevalency in the present Parliament of Scotland. And I hope your lordship will not bee offended with mee if I take the freedom to bee of opinion they may possibly be sorry for it too when the opportunity is out of their reach.

"I had not time to write so fully upon this subject by the last pacquet to my Lord Commissioner, and therefore would desire the favour, if you please, that you would communicate this letter to him, and excuse the great freedom of it from, my Lord, your lordship's most humble and obedient servant, Godolphin."

12. Acknowledges Lord Seafield's letter of the 17th. "... I think nothing can bee more fatall to Her Majesty's affairs than that her first Parliament in Scotland should rise abruptly and without effect; and the ill consequences of this in that kingdome seem so plain that they must needs bee obvious to any body not prepossess'd by private animosity, or engaged in a different interest, of which latter sort, I fear, you have more among you than you are yett aware of. But the queen is queen of Scotland upon the foot of the Revolution, and if that cannot bee maintained for her, I doubt nothing will bee maintained by her there." He has written plainly to the Lord Privy Seal, and urges that, as they hope for the queen's countenance, they will by all possible means "hinder the abrupt conclusion of this session of Parliament. At another time, what should be done of this kind would perhaps concern Scotland itself alone. But wee are now in so critical a conjuncture with respect to other nations, that all Europe must in some measure bee affected by the good or ill ending of the Parliament of Scotland. The queen approves entirely of the answer proposed to the protesters' address, if any such be brought hither, of which I have not yett heard." Has had a letter from Lord Tarbat. Windsor, 24th July 1703.

13. "My Lord, ... I have received your letter and cypher enclosed, and have, in speaking to 13, observ'd your directions which were but necessary to keep him in any tolerable humour, for I found him very uneasy at the delay of forming a Government, as he called it, but pretty well satisfied again by the assurances I gave him that 20 would bee very firm to the measures laid down.

"The Duke of Atholl is still here, but talks every day of going, and I have taken my finall leave of him. I believe he has stayd a little the longer for the event of a scheme putt into my hands by my Lord Rosse, in which my Lord Dupplin, 37, and Mr. Campbell had been all consulted, and the chief end of it I am apt to think must bee to thwart any measures taking by Mr. Harley with 21, 18, and Mr. Wright, of whom all sides here seem to bee jealous, and it is very positively assured here that 18 is to bee Commissioner." ... 20th April 1704.

14. Did not intend to have written so soon. But finding Lord Cromartie at the request of the Duke of Athole had obtained the queen's signature for creating a royal burgh in Scotland; he was ignorant of what this implied, and the step had been reflected on as unusual, if not illegal. If it had the effect of empowering it to send a member to parliament, and it had not previously possessed that right, it would be called illegal in England. He gave his lordship the hint that if anything irregular had been done he might refuse the seal to it until he had represented the matter of new to the Queen. 30th April 1704.
15. Would write oftener; but has no time to put his letters in cypher; therefore he desires their correspondence should pass through the hands of Sir Thomas Frankland, and the postmaster of Berwick. Lord Belhaven, who carries this letter, seems very satisfied with the Queen's message to him. The writer fears too great affectionation "in the Queen's new servants for making too many vacancies before the sitting down of the parliament, whereas the most certain method of preserving to themselves the continuance of their powers would bee to begin at least the exercise of it with calmness and moderation.

"I hope you will find the Earl of Leven in good temper and ready to join with you in carrying on the Queen's measures. I have also as fair words from the Marquis of Amandale upon that subject. But I depend much upon the former of these in what he says, looking upon him to bee a man of honour and of his word, and I believe your lordship will find him very sincerely for the Queen's measures; and if you encourage him by your kind usage, he may prove of great use to you for managing the Revolution party." He suggests beginning business with the Cess rather than with the Succession and the Plot "which may possibly inflame so much as to break all . . . those who are disposed to handle the plot with most moderation are certainly best inclined to the Queen's service and measures." He will not write again till he hears of the receipt of the Commission for the Marquis of Tweeddale. 17th May 1704.

16. Acknowledges receipt of a letter by the flying packets, and hopes special precautions will not be much longer necessary, "since with this month there will be an end of 13, and all jealousys of that kind."

"I have spoken my thoughts so fully to Mr. Black upon all the matters mentioned in the memoriall that I will not trouble your lordship with the repetition of them . . . . It would turn all Mr. Bruce's measures into ridicule to show so much favour to Mr. Sinclair and Mr. Steven's, while they resolve to stand in opposition to them. But I refer this and all other matters to Mr. Black's letters," who is to write fully. [In this letter is written in another hand over "13" the name "Queens"(berry); over "Mr. Black," the name "Johnstone"; over "Mr. Bruce," the name "Queens"; over "Mr. Sinclair," the name "Hamilton"; and over "Mr. Stevens," the name "Montrose."] 23rd May 1704.

17. "24th May 1704. My Lord, I did not write so fully to your lordship by the last post as perhaps you might have expected, because I had spoken to Mr. Black my whole thoughts upon the subject to the memoriall transmitted to Mr. Bruce, who promised mee he would not faile to acquaint you with it accordingly.

"The occasion of my troubling you at present is upon a matter which as it stands at this time is uneasy enough to the queen.

"Her Majesty seems inclined that there should bee a Council constituted near her person, for the consideration of her affairs in Scotland, to be composed of a small number of each kindome, by whose advice she would bee guided in all matters of the greatest importance relating to Scotland; but she is not willing to come to a final determination in this thing till she has your lordships thoughts upon it, and how far it is like to be agreable in that kindome where you are.

"I have heard that some thing of this kind was practised in the reign of King Charles the First with success; as long as it continued. I can only say that in my opinion there never was any time when some such
method appears to bee more necessary. I am with all respect, my Lord, your lordships most humble and obedient servant, Godolphin."

18. "25th May 1704. My Lord, Having now a little more time I am willing to add to my letter of yesterday that I am sorry to find so much diffidence of the Queen's intentions, as Mr. Black represents to me, does still remain in 18 and his friends, when they have all the power and employments at their mercy. Can it bee expected besides that 20 should mortifie and discourage all those from whom Mr. Bruce might reasonably expect a concurrence in the measure laid down as the foundation of the whole? And can any reasonable impartial man think that a proper method to make that measure succeed? And will not this temper give Mr. Bruce but too reasonable a ground for jealousy that this measure is only laid hold of to amuse and gain time, for being ridd of 13 and getting power into their own hands? Indeed, my Lord, I doubt these are reflexions so very naturall to bee made in our present circumstances that nothing can prevent them but the prudence and moderation of those who are now at the head of the Queen's affairs in Scotland, and by such a temper may certainly preserve to themselves the continuance of their power, but if they have no thoughts but to look backward and to gratifie their private resentments and animosities 20 will find herself much disappointed of the expectations and hopes she had that they would in the first place look forward and provide for the safety of the whole.

"And upon this head would it not bee thought reasonable to begin the session with making some further provision for the forces, since their fonds expires in August, and it will be July before the Parliament sitts down?"

"I expect it should be answered, "They must begin with the plott," and if they doe, August will come and the troops be unpaid.

"I doubt I am too troublesome to your lordship with my notions, but I can't help beseeching you a little to reflect. What does the Queen make all these changes for? Is it not to settle the Protestant succession in Scotland? And before any one step is made toward it can it bee thought advisable, not only to displace, but to worry and oppress all those who have hitherto appeared the most forward and zealous in that very measure."

19. Full accounts of proceedings having been sent to Lord Seafield by Lord Cromarty and Mr. J[ohnstone], he writes, "Just to wish and humblly to advise that your lordship would use all your endeavors to keep the Parliament in temper and moderation, and to bring on the matter of the Succession as soon as is possible, that so it may receive its fate before they have opportunity of examining minutely the evidences of the plott, which cannot fail of making a great ferment among the party of which the Parliament is composed, and of whetting and sharpening animosities, so that it will be very difficult afterwards to reconcile them in any one point whatsoever." Windsor, June 3rd, 1704.

20. "St. James's, June 5, 1704. My Lord, I have the honour of 2 of your lordship's letters of the 30th of May, one of them upon a particular matter with which I shall acquaint the Queen when I goe to Windsor.

The other letter, upon the generall state of affairs in Scotland, is in a great measure answered by mine of the 2nd from Windsor, with those from my Lord Cromertie and Mr. Johnstone and the other papers sent down by the same flying packett, which will lett you see that everything
desired has been done, unless it bee the putting some out of the Council, 
who wee yett hope will bee willing to concurr in the Queen's measures, 
and the putting out of others who will not so much as give any 
hopes of their concurring in that matter. Now, tho' they doe show a 
readyness to give a cess, and to support, as they call it, the Queen's 
Government, yet if honours or other advantages are conferred upon 
them while they continue against setting the Protestant succession, 
it will be looked upon as a sort of compounding, and as a tacit allowance 
of deferring the final determination of that matter till another session.

"As to the allowances to my Lord Atholl and others on account of 
their expence, I agree they have not been well bestowed at least upon 
his Grace, who was so far from being satisfied with having £1,000, 
that he was very much unsatisfied it was no more. But as to that 
matter and all others of that kind, your lordship will please to reflect 
the business is to establish Her Majesty's affairs and restore her 
authority in Scotland. Those who have the merit of that work will be 
sure of having the favour and all the advantages which are necessary 
consequents of it.

"Lord Cromertie was perhaps a little uneasy at first for not being 
thorowly trusted, but seems now to bee in very good humour, and to 
promise his best assistance. I am, with respect and truth, my Lord, 
your lordship's most humble and obedient servant, Godolphin."

21. "Windsor, June 20th, 1704. My Lord, I have the honour of 
your lordship's letter concerning your allowance and my Lord Eglintown's 
for your journeys to London, for both which the Queen will sign letters 
to-morrow, as also the instructions for my Lord Commissioner and other 
blank powers desired.

"I have written very plainly to my Lord Commissioner what Her 
Majesty's mind is in relation to her own servants, and that she will not 
suffer any whatsoever, great or little, to continue in their stations, 
but such as will joyn in her measures. Your lordship is pleased to say 
you have still some hopes of Duke Atholl; but I confess to you I have 
very little hopes but what this declaration of the Queen's may produce. 
And if right use of it bee made, I have little doubt on the other side 
but it will produce the desired effect. . . . Lord Cromertie went 
last Saturday from London, and Mr. Johnstown parts to-morrow from 
hence and promises to use all possible expedition."

22. Has just received a letter from the Earl of Leven complaining 
that very violent prosecutions are intended against him, encouraged by 
the refusal of the Queen's remission before he left England.

"Now, my lord, I believe it is unnecessary I should acquaint your 
lordship that the Queen did show great distinctions for my Lord Leven 
here; and if she refused him the remission he desired it was because 
she thought it both reasonable in itself, and also entirely for her service, 
that all things should come free before the consideration of the 
Parliament of Scotland; and not that Her Majesty will not always bee 
disposed to interpose as far as it is in her power against any violent 
prosecution of my Lord Leven from the malice of his enemies, especially 
at this conjuncture when neither his enemies nor his friends can bee 
ignorant that no man in Scotland is more forward to support the 
Queen's measure than himself, and when there may bee but too much 
cause to suspect that some of his enemies are not more his enemies in 
particular than they are enemies to the Queen's Government.

"As an instance, my lord, that the emissarys from France and 
St. Germains are as busy as ever in Scotland, and probably therefore
as much encouraged from thence, I am commanded by the Queen to transmitt to your lordship the information enclosed, which Her Majesty desires you will communicate to my Lord Commissioner, from whose care and diligence, as well as from your lordship, the Queen persuades herself that some, if not all the persons mentioned in the said information may bee forthwith seized and examined.” Windsor, June 28, 1704.

23. “July 13th, 1704. My Lord, I am to acknowledge the honour of your lordship’s letters of the 5th and 6th, with the account of the Parliament’s first sitting down, and of Sir G. Maxwell’s and Livingstons’s examination, by which I find they have not as yet answer’d clearly.

“As to the affairs of the Parliament your lordship seems to mee to apply your endeavours the right way by keeping up the Revolution party to concur in the Queen’s measures, which I am willing to hope will make them succeed. And to speak the plain truth if men are really desirous of concessions from England in point of trade, first, it is obvious they are not to bee had but in Parliament; and 2ndly, it is as obvious that nothing will oblige our Parliament to grant them, so soon as the settling the same succession with us. But I am sensible I tire your lordship with an argument already worn threadbare, and therefore I shall only add that if Scotland will positively not settle the same succession with us, I don’t see, I must own, what there is left to expect from England unless it bee to conquer us.

“My humble service to Mr. Johnstone. I take it for no good omen that I have not yet had the honour to hear from him. But pray let him know that how formidable seever the opposition of Scotland is, the Duke of Marlborough’s victory at Donawerdt has pretty well tamed the opposition of England. I am, with great truth, my Lord, your lordships most humble and obedient servant, Godolphin.” In another letter dated two days later, Lord Godolphin, after referring to “the excessive hott weather,” says, “Wee have 3 posts this morning from the Danube which confirm all the advantages wee expected in consequence of the victory at Donawerdt. Our army was in possession of Nieuwburg and marching towards Aueburgh.”

24. After acknowledging certain letters he refers to Lord Seafield’s “endeavours of reconciling the old and new party, the only method by which it seems possible to mee for the Queen’s measures to succeed. I am very glad to hear you find the D[uke] of Argyle assisting to you in these endeavours, and beg your favour in giving his Grace the assurances of my humble service; and as matters seem likely to turn in the present conjuncture I see nobody of whose service the Queen may have more occasion. As for the D[uke] of Atholl I give him for gone, and am very sure Her Majesty thinks her service suffers by his being continued so long in it under such obligations, and joyoned with such a behaviour. If the post he is in would please my Lord Commissioner I believe the Queen would bee glad to give him that mark of her satisfaction in his endeavours for her service.

“All the letters that I have seen from Scotland seem to fear the resolve given in by D[uke] Hamilton will carry, and if soe, it is certainly very right to adjourn, as you propose to doe, to give Her Majesty time to consider what is next to be don. But it will not need much time. For is it reasonable or advisable after such an affront to continue the Parliament sitting in hopes of a small supply only, that out of it the opposers may lay claim to a great merit? I doe assure you, my Lord, I see very little disposition in the Queen to continue the
Parliament after this, which she thinks is no less than a downright submission to D[uke] Hamilton and D[uke] Atholl. Windsor, July 18, 1704.

25. By Lord Seafield's letters the Queen has learned about the rejection of her measures by the Parliament, and while satisfied with the zeal and the efforts of the commissioner and his friends, she reserves any further directions till she learns the result of the vote on supply.

"In the meantime, my Lord, would it not be proper that you should consider with the rest of Her Majesty's servants who can be trusted, of some scheme for carrying on Her Majesty's affairs in the interval of a Parliament, that is to say, what troops can be continued and what should be disbanded; whom to be displaced from their civil offices, and whom to succeed in these offices; whom to be put off from the council, etc., and by whom the vacancies so made to bee filled? All these particulars, and many others which will better occur to your lordship than I can suggest, seem necessary to bee laid before the Queen as soon as is possible. Your lordship can best judge who are most proper to assist you in preparing such a scheme; but according to my notion, the foundation of this and of all the rest must bee the reconcilement of the new and the old party, if I may so call them, and the forming out of both a party which shall own and declare themselves to bee for a compliance with the Queen's measures." St. James's, July 25, 1704.

26. Refers to letters from Lord Seafield and others, and proceeds:

"At present I have only to observe that we have every day more and more reason to be apprehensive of the correspondence carrying on the measures concerted for disturbing the Queen's government in Scotland by the latter end of September next. This, my Lord, will make it necessary to put a speedy end to the sessions of Parliament that there may bee time for modelling the government and the few troops there, that they may be willing at least, if not able to oppose an invasion which is certainly hoped for by a great many in Scotland, as well as designed by the French if they find themselves at liberty for such an attempt, which they cannot possibly bee till their armies are in their winter quarters. But then I doubt they may spare some thousands without any great inconvenience. Just now we have an express with the news that the Duke of Marlborough has had a compleat victory and taken prisoner Mr. de Tallard." London, August 10th, 1704.

27. "Windsor, August 26, 1704. My Lord, I have your lordship's of the 17th and 21st, with one from my Lord Commissioner, to which I send an answer here enclosed containing an approbation from the Queen of his and your coming up hither as soon as yee please, and bringing such with you as you and bee shall think proper. He names my Lord Montrose as well as Lord Roxborough, and Jerviswood. There can't be the least difficulty as to the 2 latter; but as to the former it will deserve to bee considered whether he will yet bee inclinable to come into the measure of the succession at another time, without which it will not be easy to show him any countenance or favour here.

"Mr. Wedderburn has insinuated as if it would bee acceptable that Lord Rothes should have the castle of Edinburgh given him now." But the writer finds the Queen will do nothing in respect of any employment until they come up and propose a complete scheme.
28. Acknowledges receipt of report of the Council's proceedings. "Her Majesty had before receipt of these letters order'd the depositions taken here before a magistrate to bee sent down to the Councill of Scotland, and leaving it to them to determine upon the whole matter as they should think just and equitable, so that upon the letters come this morning Her Majesty can add nothing to her former directions which were full in the poyn[t]." . . . "The Duke of Argyll says he has sent away his coach upon the northern road, and will certainly bee at Edinburgh himself before the 20th. I wish you may find him inclinable to hearken to the advice of his friends there, for much will depend upon that." 7th April 1705.

29. "10th of May 1705. My Lord, I have the honour of your lordship's of the 3rd, and have presented the enclosed to the Queen, who is very well satisfy'd in the reason given by your lordship for not delivering her last letter to the Council.

"I am sorry there is so little appearance of agreement among the Queen's servants in Scotland. 'Tis impossible to hope for success in the publick affairs, if those employed to make them succeed, cannot prevail with themselves to lay aside private animosities. I think the Commissioner and the old party would doe themselves a great deal of right if they would desire the concurrence of the new party to the Queen's measures, and bee contented to allow them some share of the meritt: in any success that might follow, and I think the new party would bee as much in the right in contemning any reports they may have heard of the Commissioner's intentions to their prejudice, and in resolving to offer their hearty concurrence in Her Majesty's measures to the Commissioner who is clothed with her authority. Now by all I hear from Scotland neither party seems inclined to this sort of temper. What then will the end of this bee? Either the Queen's servants and those who are well inclined to peace and quiett, must bring themselves to joyn their endeavors with the Commissioner and assist in the Queen's measures, or else say fairly they think themselves so ill used by him as not to consult with him. And in that case the Commissioner must endeavour to find those that can and will assist him effectually, or the Queen must find another Commissioner. For it is impossible for the service to go on with this great disunion among those in the principall posts of dignity and trust in the government.

"A fair and probable scheme therefor ought to bee sent to the Queen without more loss of time, as also the letters and instructions requisit for the Parliament."

30. Has received Lord Seafield's letter of the 12th, and has sent him a copy of the Queen's letter to the Lord High Commissioner (Duke of Argyll), in which she "goes a great length towards complying with all he has proposed. Yett knowing his warmth and temper as I doe, I am very apt to suspect he may bee so unadvised as to persist in demitting, in which case, my Lord, it is absolutely necessary you should think, as well as the shortness of the time will admitt, into what method and into what hands the Queen should putt the conduct of her affairs, that is to say, whether yourself, or my Lord Annandale, or Lord Leven should be Commissioner, for it must bee one of those three. But I own I think it will be much better in your hands than in any of; the others, for the fonds of the Civill Government being exhausted they will bee fearfull, they shall not be payd, and you may depend that rather than not be paid at all that expence will bee made good to you from England. Besides ther's good ground to hope both the old and new party will bee in great
measure influenced by you. I have a letter this day from my Lord Glasgow which gives mee all the assurances imaginable of his duty to the Queen and desires to promote her measures with whomsoever she pleases to employ.” He again urges him to dissuade the Commissioner from resigning. 19th May 1705.

31. Acknowledges receipt of two letters. “D[uke] H[amilton] was told plainly that if the Queen were sure her measures would succeed in his hands, yet she was not in circumstances to make use of his service just now, nor indeed ever hereafter, till he would bee pleased to make one step towards Her Majesty, which the present occasion of a treaty makes very natural, since it was always his own principle, and there does not seem to bee much reason from departing from it now, but for the pleasure of opposing Her Majesty.” He wishes the Commissioner could have been prevailed with not to make “so totall a change,” and that Lord Roxburgh had continued as he seemed both able and willing to serve the Queen. He had not since spoken to the Duke of Queensberry, but thinks his friendship to the Commissioner should engage him to go and assist him, yet cannot say if his presence would be of real assistance. 31st May 1705.

32. Begins the method Lord Seafield has prescribed of writing two letters at once. Wishes particularly to know how the Duke of Queensberry, who is now travelling to Scotland, “turns himself and his friends there towards the Queen’s service in the present conjuncture of affairs according to his earnest professions here at parting.

“I must also acquaint your Lordship that I find misunderstandings betwixt my Lord Commissioner and my Lord Annandale are come to a great height, which I am very sorry for, because I doubt it must needs have an ill effect at this time for the Queen’s service. Your Lordship will best judge how farr the D[uke] of Queensberry may bee usefull in reconciling them.

“I should think, my Lord, you might find some opportunity of letting D[uke] H[amilton] or my Lord Roxburgh see, as the occasion offers, that either of them have it much in their power to doe themselves a great deal of right to the Queen and to their country, the former, in case the Parliament incline to a treaty, by making it practicable and not clogging it with insuperable difficulties, the latter, in case they proceed in limitations, by not insisting upon such as are unreasonable in themselves, and inconsistent with the monarchy. These are the men in whose power this seems most to rest, and consequently the men most worth the managing att this time.” Windsor, 14th July 1705.

33. “July 23rd, 1705. My Lord, finding by the honour of your lordship’s of the 18th that the settlement of the succession is postpon’d to a previous treaty, the next thing desirable is that such an Act for a treaty may bee prepared as the Queen may pass. For certainly no body can be surprized when the Parliament will not settle the succession if the Queen refuses her royall assent to any Act for a treaty that shall be clogged with restrictions and diminutions of that little power which is yett left to the Crown.

“The sincerity of those who pretend to be friends to a treaty will easily appear in this point; for unless they are content such an Act should goe single and upon its own foot, it will be very plain that at the bottom their design is only to obstruct what they pretend to bee for.

“Such an Act as this, with some maintenance for the forces, and a speedy end of the sessions, is what the Queen is still willing to flatter
herself may be obtained. But if it can not, the sooner she know it I think the better for her service.

"As to what you write of the 2 lords who are Secretaries of State, their pretension of being upon the Treasury, as you term it, being upon an equall foot, they ought certainly to bee equally treated in that matter. . . ."

34. Acknowledges receipt of Lord Seafield's letter of the 1st. "I was much surpris'd you should lose that vote for the treaty, and since you have don so I am much afraid you won't recover it, or indeed carry anything. For nothing can be, with submission, more against reason and common sence than the barefaced arguments of your opposers, viz., when the matter of succession is in question. No. There must first be a previous treaty. When the treaty is brought on. No; there must first be limitations on the successor.

"What can bee more preposterous? In short, it looks to mee as if that nation desired to bring things to extremity, in which I am not sure they are very well advised. England is not now in the condition it was when Scotland used to make inroads upon us. Wee have the power, and you may give us the will to return those visitts, and supposing the French more able to assist the Scotts than I hope they are, or like to bee, the French have the character of being very good servants, but the worst masters upon earth. I am sorry, my Lord, that this is the case. I hope the misfortune of it will light where it ought to doe, and then I am sure it will not touch your lordship, nor, my Lord, your lordship's most obedient humble servant, Godolphin." 9th August 1705. In a paper apart, dated 11th August, Lord Godolphin adds that he is informed "the new party will consent to an Act for a treaty leaving the nomination to the Queen, provided the Queen's servants will allow reasonable limitations on the successor to be voted in the Parliament without passing them into an Act during this sessions, or extending them so far as to influence the reign of the present Queen." Lord Seafield would be better able than he to judge as to the truth of this, and what advantage should be taken of it.

35. Has received Lord Seafield's letter of the 11th, and is sorry at the unfavourable reports from the Parliament. "The not leaving of the nomination of the Counsell of Trade to the Queen, though the Parliament of England had done the same thing so lately in an instance of much greater consequence, seems to bee no great invitation to Her Majesty to give the royall assent to an Act which gives otherways very extraordinary powers out of the Crown.

"As to the argument of English influence, how can the Queen but bee influenced by her English servants when she has no Scots servants near her person, at least during a sessions of Parliament, which is the time when the greatest affairs of that kingdom are transacted. And if the Scots have a mind to obviate that objection, why don't they make an address to Her Majesty that she would appoint a certain number of her Counsell of Scotland to bee always attending upon her person. I am apt to think this would bee an ease to the Queen; I am sure it would bee a very particular one to, my Lord, your lordship's most humble and obedient servant, Godolphin.

"I forgot to take notice of the argument, viz., That this Counsell of Trade is to continue but till next session of Parliament. But in case this sessions should end without an Act for a treaty pass'd by the royall assent, is there anybody that can assign a time when ther's like to bee another sessions of Parliament in Scotland?" 18th August 1705.
36. Has received his letter of 26th August, and refers him to his letter to the Commissioner and to Sir D[avid] Nairne's letter for answer. He now desires him to acquaint Lord Roxburghe "That the Queen depends upon his assistance in anything extremely essential for her service, and therefore hopes he will endeavour so to moderate the Act for a treaty that she may be capable of giving her royall assent to it, which, in Her Majesty's opinion, is the only way possible to avoid confusion in her kingdoms."

Has a letter also from Lord Belhaven, which "is not written in his usual plainness which he sometimes braggs of, but in a way that looks as if he sought rather an occasion of future quarrelling than to make up anything that is past, of which he was not pleased to take the least notice, no more than if it were a dream." Winchester, 1st September 1705.

37. "13th January 1704. My Lord, I am to acknowledge the honour of 2 letters from your lordship of the 4th and 7th instant, and am glad to find you are so far advanced towards a speedy conclusion of that great affaire, which is a very great satisfaction to the Queen, and Her Majesty is now in hope the treaty will be sent up hither by the end of this month. I have made your lordship's complements to his Grace, who desires mee to return them very sincerely, and to lett you know he is very well disposed to gratifie Brigadier Hamilton in his pretensions.

"It is thought here that there will bee a necessity of keeping an at the Parliament of Scotland by short adjournments till it bee seen whether the Parliament of England bee disposed to make any alteration in the treaty as ratified in Scotland. Having nothing further worth your lordship's trouble, I remain always, my Lord, your lordship's most humble and most obedient servant, Godolphin."

38. "St. James's, 30th August 1707. My Lord, I am commanded by the Queen to acquaint your lordship that Her Majesty has very certain intelligence of John Murray, who was mentioned in Fraser's plot, being now in Scotland, probably in the north, because the Duke of Gordon's following are buying up horses and making preparations to goe to a hunting in Atholl.

The speedy discovery and apprehending of John Murray is of the greatest importance at this time, he being the soul of this whole affair. Her Majesty, therefore, hopes no diligence will bee wantin in the government of Scotland to defeat and disappoint those mischievous designs. I am always, my Lord, your lordship's most humble and most obedient servant, Godolphin."

39. Is glad to hear that Lord Seafielde got safe to Edinburgh. "The noyse is very great here as well as there of new elections very soon. But the madness of that measure seems so evident to mee that I must always hope till it bee actually done that God's providence will prevent it . . . I have gotten the Queen's hand to the warrant for Mr. John Montgomerie to bee master of the mint, and I have putt the Queen in mind of the Bastard estate which you desired for Mr. Abercromby . . . Sir D[avid] D[alrymple] went down from hence not very well satisfied with what passed at the hearing about the signatures, and some words have been dropped here as if he would bee not unwilling to demitt. Your Lordship will please to observe that a little carefully, and in that case turn your thoughts also to the consideration of a proper successor. I have mentioned Mr. Stirling to the
Queen to succeed Mr. Blair." He promises a further account in three or four days about "the affair of Lord Linlithgow." 22nd June 1710.

40. . . . "The Torys continue with very great confidence to give out they will have a new parliament, and tho' that advice seems to bee extremely desperate, I think everybody ought to take all possible measures to prevent the ill consequences of it." . . . 27th June 1710.

41. "Whitehall, 25th July 1710. My Lord,—This is an answer to the following particulars contained in your lordship’s letter of the 18th instant.

1. Whether the present Master of the Mint at Edinburgh may not be excused from attending here at the tryall of the Pix in August next, in regard none of the money in the said Pix was coyned since he was appointed to that office. To this I see no manner of objection, especially if the deputy of the late master and worker be directed to attend the same, and I have written to the Earl of Lauderdale accordingly to avoid any scruple in this matter by reason of the order sent him for the attendance of the master (amongst the other officers) of the said mint.

2. As to the master’s executing his part of the indenture of the Mint before the barons of the Exchequer in Scotland, there can be as little, and in order to it, I have directed the officers of the Mint here to prepare such a draft of the said indenture as may be agreeable to that of the Mint in the Tower, and not interfere with the articles of Union; and when it is ready it shall be transmitted to Scotland in order to pass the great seal there, and to be executed by the master and worker as aforesaid.

3. The draft of the signature for granting an augmentation of £10 a year to the first minister of Haddington out of the rents of the late bishoprick of Edinburgh, which I received inclosed in your lordship’s said letter, I have referred to the barons of the Exchequer in Scotland, that being the method (your lordship knows) which is intended to be observed in passing signatures relating to that part of the kingdom. When their report comes back, I intend to present it to the Queen and to have it dispatcht as soon as may be. I am, my Lord, your lordship’s most humble servant, Godolphin.

"If the barons of the Exchequer had been acquainted with this signature before it had been sent up to mee, it would have saved the time of sending it down to them."

42. "August 10th, 1710. My Lord,—Since I received the honour of your lordship’s last letter, I have also received my own dismission from the Queen’s service. The Commission of the Treasury appointed to supply my place is to me a very plain indication of a new parliament; but how soon the proclamation will come out I can’t tell. Upon a good or an ill election of that parliament will depend, in my opinion, not only the fate of Britain but of all Europe. I have sent your letter to 39 that he may the better judg of the reasonableness of all you say in it, and doe his part accordingly, of which I have not the least doubt. The stocks fall so much and our people suffer to that degree that they begin to bee enraged at what is doing here. I hope the influence of it will reach to your parts so as to bring us a good election of commoners at least. I have more doubt as to the peers, 222 being gon in entirely and for ought I know as Farr as to give jealousy to 220, which I must own does not give mee any very great trouble. I have great hopes wee shall
have a good parliament here and that when he comes they will be more
influenced by 37 than any body else.

"I send this to you under cover to my Lord Marchmont, who I hope
will be assisting to you, and I have no doubt but my Lord Cromartie
who is going will be so too. 224 is certainly not in the list with 222,
so I hope you will have his help. I am sure it concerns him for I am
told 222 aims at his post. That and everything else depends upon the
new election. I don't question but 37 will give leave to his commoners
to return upon the proclamation. I shall take your advice to bee quiet
about the Earl of Lauderdale, which is surely the best. I have not
yet heard the least mention of him. I am ever, with very great truth
and esteem, my Lord, your lordship's most humble and obedient
servant, Godolphin."

43. Acknowledges a letter from Lord Seafield, and after referring to
his intended going to the country, wishes he had "continued a little
longer here which might have been of much use to 38; but that is over."
He daily expects an answer from 32, who will take care of Lord Seafield's
commands, and he does not doubt "of 42 being just to 226 in case 222
should have success in his pretensions of the same nature." 42 had
desired Lord Cromartie to delay his departure "which looks as if there
were an intention of dissolving the parliament before that time." Has
a letter from Mr. Pringle "in which he seems to think my letter to 124
might bee of use to him in his election." He will be very glad to serve
him in this or any other way; but doubts "when he shall have known
the fate of 38, he will no longer desire that letter." 15th August
1710.

44. "September 13, 1710. My Lord,—Having the opportunity of
writing to your lordship by so safe a hand as honest Mr. Abercromby, I
may venture to take more freedome than I could doe by the post, tho'
it bee the less necessary, since hee will bee able to inform your lordship
not only of what passes here, but also of the mind and intentions of the
Duke of Marlborough. It seems to mee as if the new ministry had
the same intentions of displacing him as they have don mee, but that
while the peace seems still so uncertain, they have not dared to venture
upon that stepp; so that I hope your lordship may still reckon that
you have one firm friend in the Queen's counsell and government.
Mr. Abercromby will be able to give you [notice] how intent my Lord
Duke is upon procuring all the proxys of those in the army to assist
you, and I am very sure all your friends here are not less zealous.

"I am not yet able to tell you anything certain of the D[uke] of
H[amilton]. The ministry were very desirous to satisfie him so as
that he might give his assistance to their measures. But his pretensions
have been hitherto so unreasonable that they can not adjust it with
him. I beleive the chief difficulty turns upon the peerage, and how
hard that is nobody can tell better than yourself; and the account of
that matter which you have had lately from Mr. Secretary Boyle will, I
hope, convince you that will never bee done for him but in company
with 126.

"We are expecting the dissolution every week for a good while, but
I think it can not now be deferr'd beyond the next. I have not seen
Lord Cromartie lately. He is very often with Lord Marr. But the
last time I saw him he told me [he] had not got anything done for
him since I was out; nor did he ever expect to gett any more don for
him while he lived. He hates the D[uke] of Qu'[eensberry] and will
never joyn in anything with him. I told him I thought my friends
would take him into their list. He seem'd diffident of that, but I
told him I thought I could answer for it. I have sayd the same thing
to my Lord Deloraine, who is well inclined, but his mother having sent
for him to come down, has directed him likewise not to enter into any
engagements till she has seen him. I have heard much talk of a list
handed about here, but I could never see it, nor see any body who
could say they had seen it. But the generall rumour is that it is
composed chiefly of lords that were thought fitt to bee secured at the
time of the late invasion, which is a circumstance that does not give it
much credit here.

"Upon the best consideration that can bee had here of the state of
the elections of the commoners, there seems little cause to doubt of our
having a very good Parliament. I am with the greatest truth, my
Lord, your lordship's most humble and obedient servant, Godolphin.

P.S. Since I had written this letter I have seen Lord Cromertie. He
talks of going next week. He says the Queen would have him stand,
but that he will neither seek nor decline election. He seems to be
for Mar against Qu[ensberry]. He says they have different friends
that they seek to bring in, and he thinks to which soever party the
D[uke] of H[amilton] inclines, he will doe near to turn the ballance.
But he says the peerage is refus'd him, and that he is just now swearing
he will not be satisfied without it. If you can gett the Duchess of
Buccleugh, she has all power with her son."

45. Has sent Lord Seafield's letter to the Duke of M[arlborough],
"who, I am sure, will be ready to doe everything you propose to him.
By the accounts you give and by what we find, all the most arbitrary
proceedings in the elections are to be expected, but how anybody can
think that is long to bee maintained in our country and in this con-
stitution is to mee, I confess, a very great riddle. I have already
written so fully to you of Lord Stairs at his going down that I need
not add anything now, and before this comes to you I believe you will
have seen 222 and have learnt his intentions better than anybody can
tell you from hence, where to the last they seemed mysterious.

"The objection of Grant's being a prisoner is ridiculous; but besides
that, orders are already given for his speedy exchange; so I hope that
matter will not in the least affect him. I hope 226 cannot be in any
danger of losing the effect of 42's assurances to himself, because he has
not a blind obedience to 214 and 220.

"And as for 199 there is no violence which he does not threaten,
nor no truth in anything which he does promise." Newmarket, 12th
October 1710.

46. Acknowledges receipt of a letter from Lord Seafield the previous
night, and promises to observe his commands in what relates to himself.
"To say the truth, if I were more inclined to be a blab than I am,
there does not seem to be much encouragement to it." He congratulates
him upon success in his own affairs, and promises to see him before he
leaves for Scotland. St. Albans, 9th July 1711.

47. "February 10th, 1717. My Lord,—I can not lett this honest
gentlmen, Sir G[ilbert] Elliot, goe home to Scotland without putting
you in mind you have an humble servant here very desirous not to bee
forgotten by you. There have been some opportunitys since I have
seen you where tis probable your presence here might have been of
use to some of your friends; but I am fully satisfied, 'tis better for
your self in all respects to bee at home. This reflexion comforts mee
very much in the want of your company and assistance here.
III. Letters from the Earl of Seafield to King William, and from Statesmen and other Writers of note to James, fourth Earl of Findlater and first Earl of Seafield; also a few letters to his grandson James, sixth Earl of Findlater and third Earl of Seafield. 1700—1785.

48. "May it please your Majestie. Having obtained your Majesties alouence to account you with what occurs in your affairs hie, I thought it my dutie to leat [your] Majestie know that with great difficultie wee have obtained and resolve to continuou the number of the forces upon the present establishment. The povertie of the country is verrie great. The pricees of al kind of grain greater then ever, and wee have the prospect of a verie bad crop. This was improved by my Lord Tullibardin and Earl of Ruglen and Whitelau, and it was confidentlie said by them and ther friends that they would carie the reducing of one regiment of dragoons and two regiments of foot by three to two. I sent to the Earl of Portland ane memorial of al that is past which will give your Majestie full information. The opposers are now endeavouring to carie our friends from [us] by presing things in favours of the East India Companie, and by demanding ane Habeas Corpus lau, but I am hopful they shall not prevail. Al the lords who wer at London and the borons are unanimus in what concerns your Majesties service, and wee have many friends that concurr with us that are sensible of the miserable condition of this countrey. The Earl of Tullibardine is not in any of the committies. Al your Majesties servants except those I have named in the memorial to the Earl of Portland concurr heartilie, and you carie what your Majestie has demanded by the influence of your own servants. I have writne fullie to the Earle of Portland of the difficulties wee had and yet have, and therefor I shall not presume to give your Majestie further trouble. Bot wishing your Majesties royal person and government al prosperiti and happiness, I am with al dutie, may it please your Majestie, your Majesties most faithful and most humble and obedient subject and servant, Seafield." [Holograph of the Earl of Seafield, and indorsed: "Double of the first letter sent to his Majestie." Probably about 1700.]

49. "I shall not trouble your Majestie with a long letter at present, seing the bearer hereof, Mr. Carstairs will give you full information of all that has occurred since your Majesty painted from hence. The inclosed letter is from my Lord Commissioner, and he writes to me that he has also sent with it to your Majestie the opinion of all your servants there concerning the sitting of Parliament before your Majesties return to Brittain, and by the accounts I have of it they doe all agree in this that the Parliament should not meet dureing your Majesties absence, and they also think that the only sure way of settling your Majesties affairs in that kingdome to your satisfactione, will be to hold the next session in person; and albeit this may occasion a further adjournment, yet there will be no dissatisfaction upon that accompt if they be assured
that your Majesty is to be there. I doe heartily wish that your Majesty's other affairs could allow you to doe this, for it will be of great consequence to your Majesty's affairs here that all be ordered and composed in Scotland before the meeting of Parliament in this kingdome, and it is well known that at St. Germaines, there hopes and expectationes are that there will be disorders and commotion in Scotland; and I am confident your Majesty's servants in Scotland would not adventure upon this advyce if they did not think that your Majesty could doe it with honour, safety and satisfaction. Att that meeting of your Majesty's servants it was proposed by some that they might offer your Majesty there opinion in caise that you could not come to Scotland, but as to this nothing was said; but I find some of them, particularly my Lord Advocat and my Lord Thesaurer depute doe think that at your Majesty's return to Ingland and before the sitting of the Parliament in Scotland, you should call up for my Lord Commissioner, my Lord Carmichael, and some others of your servants; all also for my Lord Duke Hamilton and the Marques of Tweddle as being the two principall men of the opposing party, and endeavour to adjust matters. And as my duty obliges me to lay this and everthong els before your Majesty that is proposed for your service in this critical juncture, so I am also oblidged to acquaint your Majesty with the objectiones some make to this propositione. It is thought that it will make the opposing party higher in there demands then ever, for they will think your Majesty finds yourself necessitat in this matter, and there is no doubt but my Lord Duke and the Marques of Tweddle will enter into a concert with there party and take instructions from them.

"In the next place, in caice your Majesty doe not yeild to make these alterationes they will propose or goe entirely into their measures, there coming here will have this inconveniency, that they will enter into a full concert with your opposing party in this kingdome, and will goe home more dissatisfied then ever. However, your Majesty may consider of this, and doe in it what you think most for your service.

"Your Majesty will perceave by the advyce that your servants gives you that there is ane other nationall address designed, and that already a great many of the Parliament men have signed it, and they are now to goe to the countrey and to endeavour to procure hands to it. It was designed to be much bolder and higher, but the honest men amongst them who are mislead would not join with them, but in the termes as it now stands. They still insist to have the right of Caledonia declared, and to have no trade with France unless they be allowed a free trade and to have a Habeas Corpus law, and to have the acounts of all the bygone funds laid before them, and that there grievances may be redressed conforme to the Claim of Right, and that there may be laws made for preventing the adjournments of Parliament, and they pretend that the adjournments which have been made are by evil council. However, whatever council your Majesty has had in this matter was the unanimous opinion of all your servants, and appears yet to be ther joint advice to your Majestie, and the caling, adjoining and dissolving parlaments is your Majesties prerogative. I have inlab[r]ged this much beyond what I designed, bot ther [is] too great occasion for long letters, and I know your Majestie desires full information. The Earl of Annandale went for Scotland yesterday, and is weal satisfied." C. 1700, Indorsed: "Copy of Kings letter with Mr. Carstairs,"
50. "Since I wrot last I have receaved a flying pacquet from Scotland and with it there is a letter to your Majesty from my Lord Commissioner which I beleeve does give a full account of the state of your Majesties affairs there, and your Majesty has also the advyce of your servants, and the copy of the address which is now signed by a great many, and also the thoughts of some of your Majestys servants concerning the army, and the draught of a letter to your Council as a declaration satisfying the minds of your people to be issued furth at the time of the next adjournment, and after reading and considering of all these, I have spoke fully with the Earle of Rochester.

"Your Majesty sees that all your servants doe agree in this that the Parliament doe not meett dureing your absence from Brittania. This incapacitates us who are here to offer your Majesty any other advyce, for your servants there would take it ill if they were counteracted, and they would not think themselves accountable for the success, and they doe send no advyce concerning either letter or instructions, and both must be adjusted before the Parliament can meett to any good purpose.

"It is the opinion of all your Majestys servants that if your affairs would otherways allow of it, that you goe to Scotland and hold the next session in person; by this your Majesty will have opportunity of speaking with such of both sides as you shall think fitt, and there are a great many of that party who now opposes that would yield to anything that your Majesty would desire of them; and the Earle of Rochester does agree with us in thinking that your Majestys going to Scotland is the most probable way to bring your Majestys affairs there to such a settlement as may give joint satisfaction to your Majesty and your subjects, and if this can be done it will be of great use to your Majesty in the managing of your affairs elsewhere.

"The second thing that your servants advyse is in case your Majesty cannot come, and then they think that all is to be yeilded that is contained in the Address. I know your Majesty will read it over and consider it, and you will soon perceave what these concessions will amount to, and therefor it is unnecessary for me to trouble your Majesty any further on this point.

"Whatever your Majesty resolves upon yet one thing seems to be indispensibly needfull, that is, that the Parliament be further adjourned. In order to this there is a draught of a letter sent by your Majestys servants to be the ground of a declaratione to be issued out at the same time with the proclametion for adjournment. This letter needs also to be well considered. The Earle of Rochester does think that what is mentioned in it concerning the Affericn Company may give them ground to expect that your Majesty will yeild all that they desire in this point in the ensuing Parliament; but on the other hand, if there shall be any declaratione at all and no notice taken of the Company, it will signify nothing towards the end it is designed, which is the satisfying your Majestys good subjects, and the letter seems to be positive enough that your Majesty cannot declare the right of Caledonia, for that you would have done it at first. It is true the letters contains no reasons why you could not doe it, but there seems not to be so great a necessity to give reasons now that the colony has capitulate and deserted their possitione, and your Majesty was still willing to doe something for the interest and support of the Company and for makeing up of there losses. But I doe presume to think that with any small alteratione your Majesty may be pleased to think of, the letter will doe very well, and whatever I might doe were I with your Majesty, yet at
this distance both from you and from the servants that gave you this advice I dare not presume to offer any alteration. So I leave this matter entirely to your Majesty's determinations.

"There is not so great necessity for this letter at the making of the next adjournment if your Majesty doe positively declare your resolutions of going into Scotland how soon you can return. But even in that case there must be a letter signifying your good intentiones towards your people, and that for that end you are fully resolved to come amongst them and hold the next session of Parliament in person, and give your assent to such laws as shall be necessary for there wellfare. And in this letter lykewise there may be something signified that your Majesty had your coming under consideration and therefore did make the former adjournments, and that now you are resolved the Parliament shall meett so soon as you can be there. I doe heartely wish your Majesty may come into the resolution of goinge there, and all that I speak with of your Majesty's servants here, though I speak with them but in the generall, doe think it impossible that there can be any settlement made to your satisfaction without your Majesty's presence. But in this case I presume it will be necessary that your Majesty call me over to Loo that there may be directions concerning your palace, and other things may seem needfull.

"As for the reducing any part of your army and concerning the breaking of some officers, your Majesty has the opinion of the Commissioner and such as he advised with, and if you doe not think the advisory for your service, the whole army may be subsisted with the current funds to the end of November. Your Majesty has also the opinion of your servants concerning what troops you can maintain by your hereditary funds after the first of November, which your Majesty may consider and keep by you, though I hope there will be no occasion for it, for I doubt not but things will be adjusted if your Majesty goe into Scotland.

"As for Captain Pinkartowne and his crew it is unnecessary that I should say anything on that subject, having writ so fully formerly; and I hope your Majesty has allready done all that I could desire of you in there favours. But if not, I wish no time may be lost in the doing of it now. I find that your Majesty's consul at Sevilla has appeared in there behalf; but they are sentenced, and nothing will be of consequence to them if your Majesty doe not interpose; and I would that this were done so publickly and so plainly that it may appear to all that they ow there safety and liberation to your Majesty's interpositione, and all your servants here that I speak with are most desirous that they may be saved, for it is now in the publick news prints that they are condemned.

"The Earle of Argyle is now in Scotland and I must doe him the justice to acknowledge that he does begin to act very boldely and forwardly in your service, but I find the Commissioner and he and severalls of them are dissatisfied that the Earle of Annandale should have gotten ane additional pension; and I confess I am of there mind that he ought not to have demanded it. But your Majesty did see his letter to me, and God knows how much he did wex and importune me, and I am sure had it not been done for him he had been lost as to your service.

"I must, in the last place, intercede for my Lord Chancellor. He has a pension of 400lbd. from the bishops' revenues, and it seems there is ane year owing him of it, and he cannot subsist without it, and he desires a warrant that it be paid out of the Civil List for this year. I
have inclosed his letter that your Majesty may read it, and give orders to Mr. Pringle about it. I hope your Majesty will pardon this long letter, but I should think myself very unfaithfull if I should omitt to represent anything that might be for your interest, for none wishes your Majesty and your government more prosperity then I who am with all sincerety and submission, may it please your Majesty, your Majesty's." Undated, but c. 1700. Indorsed, "Double of a letter written to the King except what's about Lord Rochester, and that sent in a memoriall by itself."

51. James, second Duke of Queensberry, Secretary of State for Scotland, to James, first Earl of Seafield, Lord High Commissioner to the General Assembly of Scotland, acknowledging the Council's letter with the account of the tumult at Glasgow and of the Council's procedure therein. The Queen approves what they had done and gives orders for punishing the actors and accessories. She also looks to the Council to continue their zeal for maintaining her authority and preserving peace, so as to hinder any provocation being given by the dissenting clergy to whom she promised protection only in their actions as allowed by law. He desires Lord Seafield to signify this to the Council. No date, but evidently in March 1703.

52. The same to the same, in reply to several letters from his Grace who wishes him to come speedily to Scotland. This he cannot do, first on account of his wife's confinement, and secondly "the Queen was so late in declaring her pleasure as to my being commissioner that sooner than the second week of April I can not get ready what things are absolutely necessary upon that occasion, and ... I shall not be with you many dayes befor the 6th of May to which the Queen has adjurned the Parliament." The proclamation to this effect he sends herewith, along with the indemnity which his Grace desired, and a letter to the Council.

"As to the ratifying all the sessions of the last Parliament I beleive ther may be some difficulties, yet I cannot but think that it is absolutely necessary. It may be considered if in some general terms the acknowledging the authority of the last Parliament without confirming the particular acts in it may not be sufficient, but if some equivalent is not found I think it leaves a back door open to be made use off when the Queen and government's enemies thinke fitt. And since ther are some and I'm afraid too many that dissound the government in the late reign, yet for many reasons wer oblied to submit to the laws that wer made, ther not quarrelling at this time the authority that established these laws does not prevent ther doing it when they shall see cause; and till something of this kind be done, I doe think (and so will the world too) the Queen's title upon a very weak foundation since she has succeeded and governs by the laws that were made in the last Parliament. I know that the Queen and her servants here do expect that this will be done; and if it is not, it will certainly be thought want of power in those she imploys ther. Therfor your Grace wold consider seriously of it, but with this consideration also, that to attempt it and not be able to carry it will be yet worse.

"I have the draught of the letter to the Parliament which I like very well, and am of your oppinion not to mention the union but in a letter apart, and I desire your Grace will send a copy of one with ane instruction relatinge to it. My Lord Tarbats oppinion is that ther should be an act continuing the power of the commissioners with a greater liberty of treating upon church government, judicatures, and
representations in Parliaments, and also with power to her Majesty to add or change names in the commission."

Seeing the lords of the Treasury are dissatisfied as to the management of the customs, considering the method an innovation, he hopes his Grace will do him the justice to let them know that he was not alone responsible, "yourselfe and my Lord Tarbat haveing fully agreed in it; and as for the list of the collectors, it was done by my Lord Tarbat and Lord Boyll when I was very ill, so that I did not so much as see it till it was signed by the Queen." Lord Eglinton had written twice about the appointment of Mr. Hay at Irvine, in which he had no hand and did not know the man. "Sir William Hope's allowance is intended out of the same funde that Luetenant-Colonell Murrays was payed, who I beleve dyed since the last establishment." . . . Captain Lockhart's Commission shall be sent down . . . because your Grace and Mr. Lockhart desires it."

He sends for blank letters for adding members to the Privy Council, but notes the necessity of caution in filling them up. "They ought to ingadge fairly and give their words of honour, and if they break that, we are safe. Pray don't forget Prestongrange; and if you want more letters they shall be sent or brought with me as you shall think fitt. Luetenant-Colonell Reid told me his designe; but the D[uke] of Marlborough stay'd so long out of town upon the death of his son, and was in such a hury at his going away that I did not see him."

He would be very glad to serve Lord Dunmore, "being a person I have a great esteem for, and that I consider a man of honour," but at present there is no opening for him. "Lord Northesk must come in to the Treasury with the first." He intreats his Grace to avoid engagements till meeting, and to give him his thoughts about his instructions both public and private. Tarbat proposes "an indulgence. Both the Treasurer and I think it not fitt at this time. . . . If you are for it pray write such reasons as I may shoe to the Queen, and I will submitt; and if you think it not proper at present, write so, fully and in such a manner as to be shoen also."

"In discoursing with the Treasurer, amongst other things wee talk'd of the succession and abjuration. He is of opinion that ther are verry good causes and reasons against settling the one and passinge the other with relation to the union, because by not doeing them it may be thought wee have tyes upon England. Yet he is of opinion that many who give that tye for the reason has other designs; and soe long as noethinge is done that it encouradges the pretended p[rince] of Wales and his party both at home and abroad to think that he has more friends ther then the Q[ueen]. And it is certan that they doe believe this to be the true reason, and therfor he wishes that if possible some expedient might be fallen upon, tho' not to settle the succession yet to declare against that prince singly. And he thinks that the succession not being settleth the tye continues still upon England. This my Lord Treasurer desired me to write as what is the Queen's, his own and the D[uke] of Marlboroughs thoughts and desire. So pray advise about it and let me have a full and clear answer to it one way or other as soon as possible."

"I have already wrot to you about the D[uke] of Lennox bussinesse, and yesterday the Q[ueen] ask'd me if I had got a return. You cannot imagine how much she seems to resent it both against the byers and seller, and says she will shooe it as much as the law will allow. So pray take care that she get faire play, and that all that's possible be done, and let me have an account of it as soon as your Grace can."
“Mr. Pringle is gone for Scotland, and I’m told, very angry. He has given some old addresses to Mr. Nairne, but no other papers. He has all that passed in the affair of the Union, which pray cause tell him must be given up before the sitting of the parliament. I hear that in several companies he has been very free in his talk of the Queen’s affairs and cursing of her servants and none more then your selfe, and braggs much of his power to doe mischeefe. If he has I believe he wants not inclination, so pray take care of him.” He refers also to the tumult and the letter he had already written on that subject, and adds, “Before I went to the Q[ueen] about this affair my Lord Tarbat and I wer with my Lord Treasurer and Lord Nottinghame, and Tarbat told us, and afterwards before the Q[ueen], that he had a full account of the affair from a Privy Councillor, and who he did not name, but that it was one who was not in Council when that matter was considered. This person seemed to accuse all of neglect in theire duty, both council, magistrates and forces. For the magistrates, he says ther is no doubt but they might have prevented it if they had inclin’d, because all the town knew of it a day or two before, and that they seem’d rather to incouradge then suppress the mobb. As to the forces, he said that they wer not worth keeping if they wer not able, if well inclin’d; for he said on single man with a drawn sword drove the whole mobb before him the length of a street till he mett with the magistrates. And as to the Council, that they ought not to have sent directions or orders to magistrates to examine and punish the offenders (they being rather partners) but to have sent some of their own number to have examined the whole affair. I only give this account for your information and not to be taken notice off, but to the register and president if you think fit. However, the Q[ueen] and the lords did entirely approve of the method the Council has taken, and as I told her before them I thought it the most moderate and prudent way.

“Ther is one thing I must take notice off to your Grace, and which Tarbat seems mightily concern’d at. In the letter from the Council you seem to infer that the Episcopall clergy taking the benifite of the Q[ueen]’s letter was the occasion of the stirr. He says that ther is nothinyg by that letter given them which they had not before. I am sure ther was nothinyg more intended them by the Q[ueen] ; and if ther had been anything which wold have admitted of a worse construction then was design’d, you should have vindicated it, since it was concerted before you went away, and you had it to correct; and my Lord President saw it also without making any objections that I heard off. And now since you see how hard it is to please and how many critics ther are, I doe intreat that when anything is to be made publick by letters or other-ways, you will send coppys from thence, for knowing the occasion and the parties design’d to be pleased, and what will please them best, it will be much easier to form letters or orders to satisfaction ther then it can be done here by any body.”

By his Grace’s letter of the 11th just received, he learns with gratification of the good beginning of the Assembly, and has no doubt his good temper and prudent management will overcome all difficulties. He will faithfully lay anything he desires about it before the Queen. “I hope this letter will in some measure atten for my seldom writing. You know my infirmetys, therfor must excuse them.” Having letters on the same subjects from the Lord Register, he begs this may be communicated to him. London, March 17 [1703].

In another letter of the 6th of the same month the Duke of Queensberry congratulates Lord Seafield upon his reception as Commissioner, only he misses him greatly since his departure, as he has no
friend to whom he can open his breast. He refers to Tarbat's intended departure for Scotland, "for its very fit he was there. . . . he has so many people about him, and daily putting him upon projects which he immediately takes fire upon, and running continually to the Queen, that it vexes me beyond what I can tell you." He thinks it would be well to provide him otherwise after the parliament. "I am sure, for interest of his own family, his old place wer better for him, especially considering how he lives here, and his humor of buying everything he sees." Perhaps Lord Seafield would consult the president "or Philip himselfe. I am afraid he will not much care for the change, but its a thing must be done if I continue here, and wee could manage it well enough for Philip," He regrets the letter respecting the sheriff-ship of Lothian came so late. Tarbat and he were for delaying the appointment till after the parliament, "but Livtenant-General Ramsay went to the Queen and ask'd it soe earnestly that she granted [it] to my Lord Dalhousie." He will write to Prestongrange next post that his not being upon the Council was merely forgetfulness, and that a letter is now signed for adding him.

53. The same to the same, sending the Commission for the Marquis of Tweeddale as her Majesty's Commissioner to the parliament. May 13th, 1704.

54. John, first Duke of Athole, to James, first Earl of Seafield, acknowledging a letter with news of the appointment of the Marquis of Tweeddale as Commissioner. "I am sure I am far from envying him that post, and am very glad D[uke] of Queensberry is out of it. But if he be not out of the Secretaries also, neither the Commissioner, your Grace, or I will be either safe or easy; and besides, the Queen's affairs will not go so well on, but many more heats will arise that cannot be forseen. I did not doubt but that was the preliminary to be granted before the Mar[quis] of T[weeddale's] acceptance, which I shall be glad to be cleared in, or els he will lose ground instead of gaining . . . . I know not what divisions D[uke] Q[ueensberry] can have any advantage by that yett appeares, for I have done my part to keep people as much unite as possible till the parliament meet, and then I hope we shall concur in the most material affairs. I am, my Lord, your Grace's affectionatt cousin and most faithful humble servant, Atholl." Dunkeld, May 21, 1704.

55. James, fifth Earl of Galloway, to James, first Earl of Seafield. Having been informed that Heron, elder of that Ilk, had on 30th May last, in a clandestine manner, made application to the Privy Council against the writer's uncle, Castlemarset, having his weekly markets and fairs in his burgh of Newton-Stewart on the same day of the week, Thursday, on which Heron held his in his burgh of Minigaff, he writes to acquaint Lord Seafield that his uncle's right was granted in 1677, had been ratiffied by parliament, and exercised ever since, whereas Heron's markets used always to be held on Saturdays until ten years ago, when they were altered by Heron's author; that moreover the two burghs were in separate jurisdictions; and to beg his lordship to use his endeavours that his uncle's markets may not be interfered with. Clarie, 7th June 1704.

56. James, second Duke of Queensberry, Secretary of State for Scotland, to James, first Earl of Seafield. Thanking him for obviating the objections made by some people against the passing of his
exoneration, and desiring his favour for the "passing a locallety her Majesty has given me of 1,500 pound a year out of the customes of Glasgow till I am paid of what is oweing me." London, 22nd June 1704.

57. M. Van Vrijberge, Dutch Ambassador at the English Court to Queen Anne. That he had received instructions to request from her Majesty the release of the vessel named the Catherine, belonging to James Meyers, merchant at Rotterdam. It had been returning from the Canaries laden with wine, and though furnished with a passport of "L. HH. PP." was seized towards the end of August last by Captain Gordon and taken to Scotland. He will not repeat all the reasons urged on behalf of the owner, but he cannot refrain from pointing out that the procedure of her Majesty's subjects in Scotland seemed very rude, to pretend to maintain free trade with both the enemies and the allies of her Majesty, and yet to seize this ship under safe conduct. He therefore begs her Majesty to order the release of the Catharine forthwith. London, 1½ January 170¼.

58. James, fourth Duke of Hamilton, to James, first Earl of Seafield, in answer to a letter dated the 20th. Had been last week in "Weirsdal" and "am soe much taken upp with my privat countrie affaires that I hardly know how to talke of palletickes, being both at a distance and ignorant of the interiour causes which mounves them to proceed with relation to our affares as they doe. I am sure your lordship knowes with how much zeal I offered my service to her Majesty when she came to the Croun, and eaven to joyne my small endeavours with thos who had ussed me worst. But if thos in governmet would not, sure I am not to be blamed for that.

"I wish it ware in my pour to cure the devision that are amongst us. I may say noe bodie ever wisht it more than I doe, since the evil consequence of them can't but be obvious to the meanest understanding. And I am sure it's noe body's interest more than min that a good understanding be preserved betuin the two nations, which makes me regret the warmeth with which thinges are push't in both houses in relation to our affares. Our soveraignes ussed to moderate thinges betuixt us, and I am sure this can't but be uneassy to her Majesty, who is equally queen of both. Your lordship say's our parlaiment is to meet soon in the spring. It does not belonge to me to offer measures, but I should think it highly requesit that all possible care be taken to prepare and soften matters. For you can't but think the noice of thos billes have reassed a considerable ferment in Scotland, and tho I make noe dout ther may be undertakers at this tyme, who to gett the governmet in ther hands again will promisse anything; yett her Majesty has too much at stake to venture a miscariadge at this tyme which may proove fattall. I am affrayed I have sade more than comes to my share, but it procedes from my diety to her Majesty and the affection I carie for the good of Brittan. I have nothing to proposse for myself. I grow fond of a quiett country life, and envies non of your great men; but I hope I shall have the continuance of your friendship and kindness, which is higly estimede by your lordship's most affectionatt cussen and humble servant, Hamilton." Preston, 28th January 170¼.

59. William Penn, founder of Pennsylvania, to [address wanting]. "12, 3m (Ma) 1705. Lesmelagoe stays still here a pledge for your kingdom, and unless redeemed by a letter to the Sub-secretary to
prepare him a letter for the Queen to recommend him for a subsistence till a command offer, he is like to stay here, which after two years waiting seems to be a hardship on his side, and but reasonable on the Government's side to grant. It is the occasion of this trouble, and which I would ask pardon for, if he were not a Scottish gentleman and that I did not write to a more than ordinary noble man of the same nation. Pray therefore, command Weatherborn to prepare a letter for that purpose for the Queen to signe, and he returns with a resolution to disturb his friends no more. The Queen has given her bounty to the Lady Frechevill, but without her other grace 'twill be but a mean conclusion; which ends this interruption of thy greater affairs by thy respectfull friend. Glasgow, 9th August 1705.

60. James, fourth Marquis, afterwards first Duke of Montrose, to [address wanting]. Has formerly told his lordship how often he has been solicited both by some of the prisoners lately taken by Captain Campbell, and by some of the merchants of Glasgow, to have so many of these prisoners exchanged for a like number of Scottish seamen presently in France, and again presses him to consider favourably their appeal. The prisoners are, he understands, to be taken to Edinburgh, but two of them, named La Grandeur and Le Pein, being Protestants, earnestly beg leave to stay in this country, as they are afraid to return. They are both tradesmen. Glasgow, 9th August 1705.

61. Robert Harley, Secretary of State for England, to James, second Duke of Queensberry. [Copy.] "August 27th 1706, past nine at night. My Lord,—It is too late to wait on your Grace this night in person, therefore I take the liberty to acquaint you that I have it from very good information that Colonel Hooke is sent from France just now a second tyme to Scotland to negotiate affaires with the discontented there and to hinder the Union. He is a bold dextrous man, and if he could be taken knows very much. Captain Caron sett him a shoare the tyme before, and I believe dos so now. It will not be diffficult to catch him if proper means be used with great secrecy, and it will very well recompence your pains. I thought it for the Queen's service to give this information to your Grace to whom I am with the greatest respect, my Lord, your Grace's most humble and most obedient servant, Ro. Harley."

62. Sir Charles Hedges, Secretary of State for England, to James, Duke of Queensberry. [Copy.] "Cockpitt, 28th August 1706. My Lord,—A gentleman lately come to St. Germains, and now in custody, having upon his examination mentioned one, Caron, as a person employed betwixt that Court and some disaffected persons in Scotland, and he having described the said Caron to be a middle siz'd man, of a flushy complexion, with freckles in his face and some on his hands, wears a light perwig and is near 40 years of ago, I send your Grace this description of him, and am, my Lord, your Grace's most humble obedient servant, C. Hedges."

63. Hugh, Earl of Loudoun, Secretary of State to [address wanting]. He had communicated his lordship's letter of the 8th when at Windsor "this morning," to the Lord Treasurer, the Duke of Queensberry, and the Earl of Mar, so far as related to the sending of troops to Glasgow to establish the officers of customs and excise there. They thought it would be better to delay doing so till after the arrival of the Equivalent, as it would "probable put folks in better humor." Some of the wine
ships had arrived, and their masters had been told that the French wines would be seized whenever put on shore; but the Treasurer had instructed the commissioners of excise to show "our merchants all the favor allowable by law." Whitehall, July 15th [1707].

64. John, sixth Earl of Mar, Secretary of State for Scotland, to James, Earl of Seafield, Lord Chancellor. Has expectations of the speedy termination of the "merchant's affair." As to the return of the Scottish members to Parliament, the Chancellor of Britain's opinion is, "that thers no more necessare but such a return of the wryt to the Councill of Scotland as is inclosed, which is the copie of what was sent from this, and this return to be sent by the Councill of Scotland to the Crown Office from whence the two houses will take extracts of their members return'd by it. In it the certificat by my Lord Regester may be mentioned tho' he thinks not this absolutely necessare." Whitehall, August 5th 1707. In a postscript he adds: "I'm sory to see by the minutes of the Comission of Equivalent of the 28th of Julie so ill agreement amongst them and such protests and counter protests. I'm sure the English who are now with them will think it very odd."

65. Hugh, Earl of Loudoun, Secretary of State, to [James, first Earl of Seafield]. Before leaving London with the Duke of Queensberry and the Earl of Mar for Bath, he had reminded the Lord Treasurer of the necessity of getting his lordship and others of the Queen's servants from Scotland in order to adjust things before the meeting of Parliament. To this he agreed, "but that it would be necessar that your lordship and the Queen's other servants should continue in Scotland some longer then was at first desinged, because that the remitting of the Equivalent had by unforeseen accidents been longer retarded then was intended, and that your lordship's attendance there would contribute verri much to the quieting of the ferment's there, and the disapointing the desings that sume have of embroyling that countrie." The Duke of Montrose and Earl of Glasgow would be required to come up. He sends by this post "Sir James Campbell of Auchenbreck's commission to be second major of Major-General Maitland's regiment." Whitehall, 21st August [1707]. In a postscript he adds that he has just received a letter from his lordship of the 17th which will take him to Windsor to-morrow. He omitted to say that Sir David Dalrymple's attendance would also be required.

66. William Penn, to James, first Earl of Seafield. "Ld 20, 7th 1707. My Honourable friend,—The bearer I take the freedom to recommend as an honest and sober person, and capable of discharging any inferior place in the custom or excise; and haveing a good character where he has serv'd, and pressing me hard for a letter into Scotland, I knew no person of quality whose good temper and breeding I could be more free with than the Earl of Seafield's. Forgive me this freedom and allow me to assure thee that I am sincerely one of thy admirers and therfore thy respectfull friend, Wm. Penn. His name is Edward Davies."

67. Rev. William Carstares to [James, first Earl of Seafield]. Is pleased that his lordship should still retain "a kind remembrance of your old servant. . . . The Commission of our Church haveing mett this week the appointing of a fast was suggested by some which did not a little at first perplex me and some others. But after some reasoning about it we brought it to such an issue as I humblie judge
is as much for the interest of her Majesties Government in this junctur as anything that belonged to our Church could well be, for there are but a few general causes of the fast mentioned; but the particular one is the danger that we may be in of being invaded by cruel enemies; and such expressions are made use of as shew entire dutie and loyalty to her Majestie, and an utter detestation of French power, and a Popish pretender. This cannot but be a blow to the expecation of Jacobits who did with all industrie as your Lordship knows improve the dissatisfaction that some Presbyterians had with the Union to the advantage of their designs, and I cannot but be so just as to tell your lordship that some of our ministers that were most warm against the Union were most earnest in urging this fast and testifieing their loyalty upon this occasion. So that I hope, my Lord, that considering of what use to her Majesties Government this fast is, nice principles of some as to fasts and thanksgiving will be prudentie overlookt, and that it will be judged that in present circumstances it is better that this fast was suggested by the Church, then if it had at first been appointed by authoritie, for it is a more plain and free declaration of their sentiments as to the present junctur then otherwise could have been given.” He then reminds him that “a fitt person” be chosen to represent her Majesty in the approaching Assembly. Edinburgh, 6th March 1708.

68. John, first Duke of Athole, to James, first Earl of Seafield. That he had nominated him in his proxy given to the Earl of Orkney as one of the sixteen representative peers of Scotland. He has now been three months confined, two of them a very close prisoner, and he hopes the Queen will now liberate him on bail, especially as he has now qualified himself as sheriff-principal of Perthshire. Blair-Athole, 12th June 1708.

In another letter of the 26th of the same month, the Duke regrets that no effect has been given to his appeal, especially when others are being set at liberty.

69. Sir Isaac Newton, Master of the Mint, to James, first Earl of Seafield. [Holograph.] “London, August 12th 1707. May it please your lordship,—Upon the first notice of the death of Mr. Stewart I laid a memorial before my Lord Treasurer about the money in the hands of his executors that it might be paid into the Mint; but this memorial not coming from the proper officer I desired Dr. Gregory to signify to one of the officers of the Mint at Edinburgh that it would be proper for the officers of that Mint to lay a memorial about that matter before my Lord Treasurer. And accordingly the General of that Mint laid a Memorial before my Lord Treasurer about it in the name of the officers, and we made a report upon it, and two warrants were sent down to Edinburgh from her Majesty, the one to the executors of Mr. Steward to pay the money to the general and master, the other to the general, master and wardens to lock up the same under their several keys for paying of salaries and other charges as they shall become due, whereof the master is to give an account annually. If the executors do scruple to pay the whole at once, the officers may receive it by parcels. And when they begin to want the money in the hands of the collectors of the customes, it will be proper for them to desire the general to put in another memorial to my Lord Treasurer about that money. The executors should also make up their accounts in the Exchequer, but the method of bringing them to account I do not know. I hope they will do it voluntarily upon paying in the money into the Mint. If there be
anything in which I can serve your lordship or Mr. Allardes you may command, my Lord, your lordship's most humble and most obedient servant, Is. Newton."

70. The same to the same. "London, June 22nd 1710. May it please your lordship,—I received your lordship's letter yesterday about the tryall of the Pix, and this day waited upon my Lord Chancellour to know his sense upon that matter, and his lordship desired me to signify it to your lordship with relation to the two difficulties which your lordship proposed in your letter to him. His lordship thinks the Order in Council for the triall a sufficient warrant for conveying the pixis to London, and something more than a warrant because it commands the doing it, but the manner of doing it most safely is left to the prudence of your lordship and the other officers of the Mint, as it was lately left to the prudence of the officers of the five country mints in England to convey their pixes to London. If it be conveyed safely to the Mint in the Tower we will take care that it be safely carried thence with our pixes to the place of triall. And as to the other officers which are to come up hither to the tryall, his lordship thinks three sufficient, your lordship, the Master and the Warden of the Mint. For in the triall of the pix of the Mint in the Tower three officers only attend, the Warden, the Master and the Comptroller, the rest of the officers being of no use in the triall. If your lordship and the Master and Warden think it convenient that the Counter-Warden come to London with you, it will not be found fault with here; but if you excuse him he will be excused here, his power of acting in the triall being included in your lordship's. I am, my Lord, your lordship's most humble and most obedient servant, Is. Newton."

71. John, Duke of Marlborough, to James, first Earl of Seafield. "Bruxelles, February 13th 1709. My Lord,—I have the favour of your lordship's letter by Mr. Abercromby, who was so obliging as to bring me the vote the House of Commons are pleas'd to honour mee with. You may be sure the sense I have of it, with the character you give me of the gentleman will always oblige me to do my utmost, that he may meet with a suitable return to his zeal to the Queen's service. I hope to wait on your lordship the begining of the next month, and then shall be very glad to concert with you what may be most suitable to his inclinations. The Prince of Savoye has promis'd me to sett out from Vienna the first of March, in order to come directly hither. When I have notice that he continues his resolutions I designe to embark for England, for I long for the happy hour of entertaining your lordship that I may be trully inform'd how our affaires go at home, for tho I have many on that subject, yet I find them generally according to the complexion of the writter. I shall always think myself happy in the continuance of your friendship, being truly, my lord, your lordship's most faithful humble servant, Marlborough."

72. The same to the same. "September the 13th 1710. My Lord,—I have forborn giving myself the honour of writing, in hopes every post from England to have heard the certainty of a new parliament; but that being not declar'd, and the season being so far advanced, I thought it prudent not to keep Lord Staires any longer. He will acquaint you with the inclinations of the Lords that are gone from hence. He has also my proxy, and with your advice he will file it. I beg you will take measures with him with frendome, for you may depend upon his prudence and good temper, and that you will do me
73. James, fourth Earl of Findlater and Seafield, to Queen Anne, [draft]. That not being a member of Parliament he had spent last winter at home, but has still every desire to serve her Majesty; and as there is now a vacancy in the representation of Scotland by the death of the Earl of Marischall, he will be glad to serve her therein, if she think it fit, or to vote for "any other you please to name." [May 1712.]

74. John, sixth Earl of Mar, to James, Earl of Findlater and Seafield. That the death of the Lord Treasurer's daughter has retarded business. He had received a letter some time ago from the Duke of Athole "to be laid before the Queen complaining of an Episcopall minister at Dunkel for not praying for the Queen in express words, and desiring that he may be prosecuted by the solicitors," but Lord Mar wishes the matter could be otherwise dealt with than in public, as it might "occasion some bustle" between the "Church and Kirk parties" injurious to peace. "We have still stories wrote us up here concerning people of the West buying up armes, and a good dale more of that stuff, but since your lordship saves nothing upon that matter I fancie there is nothing in it . . . . I am sure your lordship will be pleased to know that the Queen never lookt better than she now does since she came to the Crown. She walks without help, even of a stick." The Parliament is not expected to sit till some time in February, so it will be long ere they see him. "I never saw old London so dull. Your lordship, I doubt not, is better diverted where you are. The session in the forenoon, and what you can find for yourself in the eavingen, beside your makeing good cheer to your friends, and mirth which your own happie temper never lets you be without." He refers to a dispute between his lordship and the Lord President about the signing of the interloquitors. The story had come from Edinburgh. "They say now that when the president was ill, and by that absent, your lordship sign'd them, but as soon as he came back to the bench, your lordship yealded it, and that he continues to do it ever since. They think your lordship wou'd not have contested it unless you had been well grounded, and that the giveing of it up is a disparagement to your office, and makes you but vice-president in place of him." He wishes to know what he is to say in the matter if it come to the Queen's ears, and she asks him. Whitehall, 18th December 1713.

75. The same to the same. "Whithall, Thuesday night, December 29th 1713. My dear Lord—Tho' the Queen was much better than she had been when I wrote to your lordship on Saturday last, I'm in much better heart now than I was then. She rested pritty well the beginning of the night on Saturday, but her agnish fitt return'd about one on Sunday morning, and lasted till four, and tho' it was much easier than the first fitt was on Thursday, yet by her takeing no sustinance nor cordials, she was a good dale out of order, Sunday, all day . . . I find here in town they had her dead on Sunday, and some people thought fitt to show (as I am told) but very undue countenances upon such an occasion. But I hope in God she will be preserved to us long and dissapoint those wretches who are not sensible of our blessings. I write to nobody else at Edinburgh..."
to-night, so your lordship will be pleased to let this be known to people there. I wish I may never have news to write to you less agreeable of our good mistress, and that there were not one of her subjects who wishes her otherwise than your lordship and I doe. I'll trouble you no further now, and I am, with all respect, my dear lord, your lordship's most obedient and most humble servant, Mar."

76. The same to the same. That he has now the Queen's commands to write to their lordships of the Parliament to lose no time in coming up for its meeting, and he hopes none will be absent even on its first day. The Queen "continues in her recovery more and more every day, but I believe she will not come to town till after the birthday, that the gout may be quite off before she venter the shaking in a coach." Whitehall, 22nd January 1713.

77. The same to the same. "My Lord,—I had the honour of yours of the 21st last night. I am glade that contest betwixt your lordship and Lord President is at last over. I could not have thought that Lord President wou'd have protested, and much less that he should have askt it to be recorded, or that the bench wou'd have allow'd of its being done. This may one day or other be of very ill consequence to that Court, and occasion people here who have no good will to it to propose such alterations as no Scots man should desire, and what is not thought of at this time. I heartily wish still that nothing of this disput should stand on record, and I think the President (espessially since he has yealded the point) should be as desireous of it as anybody else. As I remember the President's comission, it impowers him only to proceed in the Chancelor's absence, which to me, who am no lawer, seems to leave not the least shadow of disput in the whole affair. Since your lordship was oblidg'd to make a counter protest, I doubt not but you founded much upon this, which is stronger than anything can be said on the other side. Since the thing has been once moved, in my humble opinion it is of very great consequence to have the thing entirely now determined and put out of doors, and that nothing should appear on record of it. But this your lordship, the President, and all the bench are so much concerned in that you are best judges of it, tho' indeed it is the concern of every Scotsman; and I think the bench should not make light of it, for it concerns them very near, and it may be found that there may be handle enough made here of the protests. . . Blist be God, the Queen recovers extreamlie well. Her gout is now easie to her and going off. She had a Cabinet Councill on Sunday night and was present her self at it. I was with her on Monday morning and I have seldome seen her look better nor more lively every way. Lord continue it long so. . . ." Whitehall, January 19th, 1713.

78. Letter of Protection. "John, Duke of Argyll, Generall and Commander in Chief of his Majesties forces in North Britain, &c. You are to take care that no person takes away or abuses any thing in or about the house or upon the estate of the Right Honorable the Earl of Finlater, on pain of the severest punishment. Given at Aberdeen, the 14th February 1716. Argyll. To all officers and soldiers."

79. Two letters, unsigned and unaddressed, dated 15th February 1717. The "Swedish plot" was still a surprise. Sir Jacob Banks, Cesar and others who were arrested on suspicion have been liberated.
Earl Landsdown is at liberty, and Mr. Hay, whom the Council resolved should be put to death, has made his escape from Carlisle, and the King refused to sign the death warrant. There is not yet any reconciliation among the Ministry, notwithstanding the efforts made for that effect; the breach is so wide that the overthrow of one of the parties seems imminent. "They say Baron Bothmar has had frequent interviews with Argyle and Isla, there interest still continuing with the Prince as great as ever. The Parliament men are called up by there friends. Grant has required Glassough to goe up and he is half resolved to march on Monday" next for London.

80. Charles, Baron Spencer, afterwards second Duke of Marlborough, to [James, Earl of Findlater and Seafield]. "February 7th, 1723. My Lord,—My Mama Dutchess, having the headach, makes use of me for a secretary to give your lordship a great many thanks for the honour of your letter which she received to day, and to tell you that she is extremely pleased that you like her manner of explaining the merits of the cause, which, tho it is not in the forms of a Chancery Bill, are all facts, prov'd and as true as anything in the Bible. Upon the encouragement which your lordship has given her she will give you more papers before the hearing, and she does not doubt but you will assist her in everything that is just, and farther than that she knows herself uncapable of desiring. And she depends upon your justice the more because she is a witnesst that the Duke of Marlborough and the late Earl of Godolphin esteemed and loved you; and she believes their friendships were allways well grounded. She gives you many thanks for your promise of dining with her when you are at leisure. She won't fix a time for that honour because you will be allways wellcome, whenever it is easy for you to come; and she knows when 'tis without invitation you will not dislike a family dinner, which will be allways ready at half an hour after 3. I am, your lordship's most obedient humble servant, D. Spencer." [He was grandson of the famous Sarah, Duchess of Marlborough, on whose behalf he was writing.]

81. Sarah, Duchess of Marlborough, to [James, Earl of Findlater and Seafield]. "March 26th, 1724. My Lord,—After I had seen your lordship yesterday I had an agreeable account given me of the inclinations in the House of Lords to doe justice in this compassionate case, but there was an allay in it, for I was assured that my Lord Isla will exert himself very much for my Lady Mohun to-day. "Tis so scandalous a case that I should doubt of it if I had not had it from a very sure hand. This makes me trouble your lordship to beg of you that you will speak for these poor people, and in so just a cause as this there is no doubt but that you will sufficiently answer his lordship. And for the other law lord (I mean Trevor) by what I have heard, my Lord Harcourt and my Lord Chancellor have shewn warmth enough to silence him. I hope your lordship will be aware of any proposal to compound this matter, for they certainly have a right to the arrears as much as to the land, and there is so many of them that if they have not both, some of them will still be starving. I am oblig'd to dine abroad to-day or I should beg your lordship to do me the same favour as you did yesterday, who am, your lordship's most faithful and most oblig'd humble servant, S. Marlborough."

82. Charles, second Viscount Townshend, to James, Earl of Findlater and Seafield. That His Majesty is pleased "that the Assembly ended so quietly and with such universal satisfaction," that
he approves his lordship's conduct entirely, and attributes the result to his prudence and wise management. Whitehall, 2nd June 1724.

83. General George Wade to the Earl of Findlater and Seafield. "My Lord, I am extremly obliged to your lordship for the honour of your letter, which I this minute receiv'd from your servant. My success in our expedition on the Seaforth was even beyond expectation, the McKensies and other clans having paid a dutifull and obedient submission to His Majesty's commands, and surrendered their arms to the number of between 700 and 800 in great solemnity, decency, and quiet, and have promised for the time to come to pay in their rents for the use of the publick.

"I had yesterday an express from the Duke of Newcastle, with an account that His Majesty had been pleased to remove his Grace the Duke of Roxburgh from his office of Secretary of State without any intention of putting any in his place, so that the affairs of Scotland are to be transacted by the English secretaries.

"Another great peice of news I had from Duncan Forbes, viz., that the brewers of Edinburgh began to capitulate on this day sennight, that they demanded high and unreasonable conditions, but at last consented to continue their brewing so that there is now plenty of ale at Edinburgh.

"I have sent summons's to all the clans in the neighbourhood of Fort William and Killyhuimen, and shall on Monday set out for those places hoping they will not scruple to follow the example of the bravest and most formidable clan in the Highlands. I thank your Lordship for your kind invitation, but believe my business will not allow me to wait on you. I should be too happy with such a relief from so much hurry and businesse but must strike the iron whilst hot. I am, my Lord, your lordship's most humble and obedient servant, George Wade. Camp at Inverness, September the 3rd, 1725."

84. Andrew Sutherland to [the Earl of Findlater and Seafield]. "London, June the 15th, 1727. My Lord,—I thought it my duty to acquaint your lordshiphe with this sade and sudden surpriss off the King's death, Sunday last, being 11th instant, at his brother hous at Aussonburgh within 20 mills off Harrenhousen. This day about 12 a cloak the prince was proclaimed at Leister hous, Chearing Cross, Temple Barr and Royall Exchange. His late Majesty was taken ill upon the Thursday and continued all Fryday, and was violently taken upon Saturday in fits of ane apoplexy, and dyed Sunday morning betwixt twelve and on. My Lord, I can give your lordshiphe no accopt of the coronation not being prefixt, is all at present from your lordshipe most humble and most obedient servant, Andrew Sutherland."

85. Henry Home, Lord Kames, to James, sixth Earl of Findlater and Seafield. "Edinburgh, 13th November 1766. My dear Lord,—I have been longing for a little confabulation with you, and I am glad to have got a subject for satisfying my longing. It concerns the duty upon coall, which runs always in my head. It appears from the books of the Customs that the duty of our coall carried costways, including what is carried to England, exceds not, communibus annis, 190L sterling yearly. This tax is unluckily appropriated, and therefore to get free of it something equivalent must be put in its place. My proposal is to raise by subscription a sum that may yield 190L yearly, to be paid in to the Treasury in place of this coal tax, but we shall not have occasion to
raise so much. Let the duty remain upon the coal carried to England, and therefore I presume the duty we are to buy off may not exceed 150l. Suppose this the case till we get more pointed information, a sum of 4,000l. would be more than sufficient; and we doubt but that sum may be easily raised for executing a purpose so laudable. We may expect very considerable contributions from the towns of Aberbrothock, Montrose, Aberdeen, etc. Whenever you come to town we must set this matter a going. A committee must be chosen interested in different counties to draw in subscriptions, &c. Many other projects wait your coming and therefore, nil mihi rescribar attamen ipse veni. H. Home.” In another letter, undated, to Lord Deskford, Lord Kames writes “My Lord, writing is an image of conversation and therefore I love to write to you. The subject shall be the duty on coal.” And then he proceeds at length to discuss the English coal duties.

86. James, sixth Earl of Findlater and Seafield to Sir Alexander Gilmour, Baronet, of Craigmillar, M.P. for Midlothian. He desires him to interest himself in getting a grant for the widow of Lord Edgefield. “There is another thing I have at heart, because I think it of publick consequence. You know I have scarce any acquaintance with my Lord Dalhousie. When a second brother lie he was bred to the law and universally esteemed. His becoming a peer by the death of his elder brother drove him from the Bar, and the narrowness of his fortune confines him to the country where he will be absolutely lost. Everybody must be sensible that as people do not rise from the Scotch law to the peerage as they do in England, the only chance we have for having anybody among the peers who knows anything of our law is by second brothers, bred lawyers, succeeding to peerages. When that happens and they are otherwise of good character, I think it is the business of the Crown to cherish them, to supply this material defect in the House of Lords. And in this view it is my opinion that a pension, not too great an one, of £300 or £400 a year, should be granted to Lord Dalhousie, upon condition that he attend the Session house constantly, and read all the papers that are given in to the Court, which I know all the judges would concur in procuring him with distinction. The condition might be communicated to him by a private intimation, and I think there can be no doubt of his exerting himself, upon understanding that this is only a preparatory step to make him of use and importance in Parliament. My Lord Panmure is his uncle, and would, I suppose, naturally concur in an application of this kind and take it as a favour done himself.” 11th January 1767.

87. Memorandum from Lord Findlater to Sir Alexander Gilmour about filling up the vacancies in the Trustees office, and in the Commission for the Annexed Estates. In both these offices people of figures are wanted. In the Trustees office merchants are necessary, and it is requisite that the people named should be people that will attend. In this respect Sir Alexander Dick would be proper in both boards, because he has nothing else to do. Henry Dundas, the solicitor, should be added to both boards. Besides these, Lord Findlater thinks Patrick Miller, merchant, and John Fordyce, very proper for the Trustees office; and if there is any doubt about Sir Alexander Dick, he thinks George Chalmers a proper person. In the Commission of Annexed Estates he thinks John Fordyce and George Chalmers extremely proper, and John Davidson, but he believes there are but four vacancies in each board. If my Lord Hales will undertake to attend, he is the fittest man of any to be one of the trustees for the
manufactures." Inclosed in a letter to Sir Alexander Gilmour, dated Edinburgh, 11th January 1767.

88. James Burnett, Lord Monboddo, to [the Rev. John Grant, Boharm]. "Monboddo, 24th August 1780. Sir,—I had the favour of your letter, and am very glad to continue the correspondence with a man that I think both sensible and curious." He refers to some statistics of some northern parishes supplied to him to show the proportions of male and female births, and contrary to his expectation the males are the more numerous. "If, therefore, it be true what Mr. Bruce of Abyssinia reports that the number of females born in the eastern countries is so much supernumerary to the males, in the ratio, as he says, of 4 to 1, it must be owing to causes which do not exist in this country. . . . . As to climate, tho' I know a great deal is ascribed to it by our modern philosophers, and no doubt it has a great effect upon animals and vegetables, I do not think it can affect men in that way, for I am perswaded that in all parts of the earth the males in the human species in a state of nature were supernumerary, and the effect of the better climate would only be to make them, as well as other animals and vegetables, better of the kind.

"As to the numbers they are decreased, and much decreased in almost every one of the parishes except where there are towns or villages, and upon the whole the decrease is very considerable both in the 17 and the 13 parishes; particularly in the parish of Fordun where I live the decrease is near to 7,000 in eighty-four years. The reasons you give for this decrease are quite satisfactory. It is by the ingrossing of land into few hands, and driving the people either out of the country altogether, or into towns where they are consumed by vices and diseases. In this way the great gentlemen swallow up the lesser, the great tenants the small, and the crofters or cottagers, who were by far the most numerous of these three orders of men are, in many parts of Scotland, almost totally extirpated. But the loss of all others, the most irretrievable in my opinion, and which you very properly lament, is the extinction of our antient families of nobility and gentry which is going on at a wonderfull rate. These were a very numerous race in antient times in Scotland, and were the glory and strength of the country, as they must be in every country. Now I am convinced there is not in Scotland the 10th landholder that was one hundred years ago. In England the depopulation of this kind is, I believe, still greater, for there is hardly a gentleman of 300l. a year to be found in England, and the whole race of yeomanry and gentlemen farmers, answering to our wadsetters and great tenants in the Highlands, is totally extinguished. These are melancholy truths, but I can only wish, and you can only pray for the remedy of such evils which threaten the utter annihilation of the country. But I doubt you cannot pray as Anchises does in Virgil—

Dii ! prohibete minas; Di, talem avertite casum,
Et, placidi, servate pios.

For the want of religion, I think, is one of the worst symptoms of our present state, not being at all convinced of the truth of what Mr. David Hume has advanced in his posthumous works, that the less religion there is in a country the better.

"In this melancholy state of our affairs the greatest comfort I have is living as much as I can in the antient world, and I shall peruse with a great deal of pleasure what you are to publish on antient monuments relating to this country. You mention two or three places where the
remains of the Romans are to be found. There is one mentioned, as I remember, by Richard the Monk, which he calls the Arca finis Imperii Romani. They are yet to be seen near Chanry in Ross-shire as Colonel Roy the Engineer told me. They are three tumuli of earth and stone. I think it will be worth your while to inquire about them. I am, Sir, with much regard, your most obedient humble servant, Jas. Burnett."

[Several other letters passed between Lord Monboddo and Mr. Grant, and also Mr. Isaac Grant, W. S. Edinburgh, in reference to the proposed publication. While offering all friendly assistance, Mr. Isaac Grant writes in a letter dated 27th December 1780,—“In the name of wonder why don’t you apply your time and attention to something that everybody will understand, and not deal in abstract things that only will be relished by the literati?” Lord Monboddo, after reading the MS. writes on the 3rd December 1782, that he “thought it very well worth printing,” but he had failed in his endeavours to have it taken up in Edinburgh, and was now to apply to Caddel in London. He adds:—“If it were no more than a compliment from so many antient authors, it would be very usefull to a scholar who desires to be informed about the antiquities of his country, by saving him the trouble of going thro’ the indexes of so many antient books. And besides your preface, which every man studious of those subjects will read with pleasure, you make part of your collection a very rare author, Richard the Monk of Cirencester, of whom [1] believe I have the only copy in Scotland. This alone should make your work sell in such a country as this; at least I am perswaded it will do so in England, where that book is equally rare.” Caddell, however, refused to undertake the responsibility, and in a letter from Lord Monboddo, dated 13th March 1785, mention is made of the “valuable MS.” being returned to Mr. Grant.

IV.—Miscellaneous Writs in the Charter Room at Cullen House.

80. Notarial Instrument narrating that in presence of the notary and witnesses underwritten, in full Court in the Court-house, compassed James Ogilvy, of Drummakeith, and Thomas Duff, bailies of the burgh of Cullen, with the councillors and fellow burgesses thereof, and in a high and intelligible yet sufficiently lamentable voice deplored the abuses and confusions into which misgovernment had brought the affairs of the burgh; and they agreed to elect certain understanding and discreet burgesses to whom they give the power of setting in tack all lands, mills, and others belonging to the said burgh, and that all persons holding such should resign the same for a regrant thereof, in the hands of the said bailies, which they hereby did. Done on 16th March 1480—1. Witnesses, James Ogilvy, of Drumketh, John Duff, senior, and Thomas Duff, senior, brother-german of the said John. Robert Doloquhy, Notary.

90. Precept of Sasine by Mr. Patrick Luimysdene, rector of the Bridge of Spey (Pontis de Spey) and superior of the lands of Robertisfeld, Hugestoun, and Ynchkandy, directing Alexander Ogilvy in Glashalch, his bailie, to infeft James Dunbar, of Cumnok, and Elizabeth Ogilvy, his spouse, in conjoint fee in these lands, lying in the sheriffdom of Forres, and which were resigned by the said James for that purpose. Dated at Rothes, 16th April 1508. Witnesses, Mr. Edward Cunninghamhame, rector of Cussynay, Andrew of Sinclair, vicar of Lagan, notary public, Sir James Greir, chaplain, and others.
91. Dispensation by Edward, bishop of Orkney, as commissary and executor of Lawrence, Cardinal of the four crowned saints, Papal penitentiary, narrating that on 12th February 1524 there personally appeared before him in the aisle or chapel of St. John the Baptist in the Metropolitan Church of St. Andrews, Walter Ogilvie, laird of Cragboyne, of the diocese of Aberdeen, and John Keith, son and heir apparent of Gilbert Keith of Balmuir, as procurator for Christian Keith, daughter of Sir William Keith, Earl Marischal, whose appointment, dated at the Castle of Dunnottar on 9th March 1524, under the seal of the said Earl, and attested by Gilbert Keith of Troup, Alexander Keith of Pettindrum, Sir John Leicht, vicar of Dunnottar, and others, is inscribed at length, and desired a dispensation for the marriage of the said Walter Ogilvie with the said Christian Keith. They were related in the fourth and fourth degrees of consanguinity, because Elizabeth Maitland, by her first husband, begat a son, James Ed蒙stoun, and by her second husband, a daughter, Elizabeth Creychtoun. This James Ed蒙stoun begat a daughter, Margaret Ed蒙stoun, who begat George Ogilvie, and George Ogilvie, begat the said Walter Ogilvie. Elizabeth Creychtoun was the mother of George Gordon, who begat Elizabeth Gordon, Countess of Marischal, who was the mother of Christian Keith. The dispensation is granted with consent of Malcolm Halcerow, priest of the diocese of Orkney, who presented the letters, and is dated 12th February 1524, according to the Scottish computation. Witnesses, Andrew, bishop of Caithness, John, adjutor to the bishop of Orkney, Sir Thomas Myrtoun, archdeacon of Aberdeen, Mr. Robert Reid, sub-dean of Moray, Mr. Andrew Patrickson, Sir John Mathieson, Mr. Andrew Yrland, Andrew Strang of Petocthie, and others.

92. Notarial Instrument under the hand of Richard Daloquhy, priest of Moray, before whom personally appeared John Gordon, lord of the third part of the lands of Innerchero, and acknowledged that it was his own seal engraved with three boars' heads, and a star in the middle, with which he had sealed a charter of alienation and a precept of sasine of the third part of his lands of Innerchero to Alexander Ogilvy of that ilk and which he now ratifies and confirms. Done at Anchnow in the month of July 1531.

93. Charter of Erection by William, bishop of Aberdeen, of the parish and parish church of Deskford, whereby at the request of Alexander Ogilvy of that ilk, whose petition bore that to many of the parishioners the parish church of Fordyce was too remote for their attendance on Lord's days and fastival days especially in inclement weather, and that the inhabitants of that parish were too numerous for one pastor, while the residents on the barony of Deskford had to travel to the said church by desert ways, the said bishop, with consent of his chapter, specially congregated, and sixty days' notice of the petition having been given to all parties having interest by public edict, erects the chapel in the barony of Deskford into a parish church; with all the privileges and immunities belonging of right or custom thereto, with bell-tower and bells, baptismal font, cemetery and right of sepulture, and of ministering and bestowing all other sacraments of the Church on the parishioners within the bounds of the barony of Deskford; to be called in all time coming the parish church of St. John of Deskford, the said Alexander Ogilvy having rebuilt the chapel in honour of Almighty God, his mother, the Virgin Mary, and in memory of the most blessed John the Baptist, and having adorned it within and without with ornaments and priestly vestments, and procured its dedication and consecration into a church
by the hands of the priest (pontificis). In the said church a fit man is to be ordained as priest, presented by the dean and chapter, who provide for his sustenance out of the teinds of the church of Deskford a yearly stipend of 8l. Scots, Alexander Ogilvy of that ilk having granted a garden and manse suitable thereto in perpetual alms. To all which also, by notarial instrument, Sir John Robertson, perpetual vicar of the Church of Fordyce, for himself and his successors, gave his consent. Dated at the Chapter-house (Canoniam) of Aberdeen, 14th October 1543. Witnesses, James Mowtray, vicar of Turrekkillis, Walter Stewart, Thomas Scheres, vicar of Keltown, clerk of our Chapter, Laurence Young, chaplain of Westhall, Peter Hughesoun, vicar of Tullinesill, and James Skene, notary public. Subscribed by Ws Ep. Afdonei, R. Erskin, decan9 Abdonei, Dauid Dischintone, cafor, G. Marcel, cancellarius, Joannes Steuard, thesaurarius, Jacobus Gordoun de Lëmay, Johës Cumyn de Der, Patricius Mortoëi, archi9 Ducet de Methlak, Rô. Lokhart a Drëmayok, Arthurus Talllefer de Crecmond, Willmus Cäbell de Tallynessil, mäü pëia, Alex. Kyd, succèctor së, Thomas Suthirland, bheë9 de Ellone, manu pëia, Johães Ogilvy de Crudane, Alexander Gallouay a Kynkell, Henricus Forsy9 de Monymosk.

91. "The Intitution and Inmentor of all the moveabill guddis and gier pertenyng and beyng in the possessioun of me, James Ogilvy of Fyndlatter, gifin vp be my awin mowth at Fyndlatter the xvj day of September, in the yere of God mv sextie and fyij yerris, to stand as my testament and last vill quhill I renew and reforme the same, maid befoir vitnes, Michael Ogilvy of Cultis, James Ogilvy, sone to vmquhill Johne Ogilvy of Glassacht, and Maister Villeame Lawty, notar." He gives an inventory of his farm stock and other goods, but all the values are not filled in. At the end he says:—"All rest of teyd sluer of the fòirsaidis kyrks (Inverboyndie and Deskford) onpait to me, I leef the samyn to Mr. William Lawtie, becaus he hes beyn to me ane gude seruand in all tym past."

He appoints James, Lord Ogilvy, tutor to his grandson, Walter Ogilvy, with the administration of the whole lands pertaining to the barony of Ogilvy of Findlater which are held in feu, viz., the lands of Findlater, with pertinents, Blareschenocht, Bruntown, Sefelid, Vodfeld, and Smythtown; and also assigns to him what remains of his tack of the teind sheaves of Inverboyndie and Banfu, held of the Abbot and Convent of Arbroath, and of his tack of those of Cullane, Deskfur, Fyndlatter, Knokdunis, Drechadlis, Tullynath, Longmaure, Half Baddinspink, Half Paddokburn, and Half Newymill, held of the canons and chapter of Aberdeen, which tacks belonged to him as donator to the escheat of the deceased Sir John Gordon. He appoints his natural son, Alexander Ogilvy, his assignee to the reversion of the lands of Fyndauchtie from "Mareyone Ogilvy, my sister," and bequeaths 300 merks to him to help to redeem them, but places him under the tutorage of Mr. William Lawtie, during his minority, and he is to be overseen by George Ogilvy of Dunlugus and George Ogilvy of Auchquhenany, his "tender freyndis" and executors. To his natural daughter, Barbara Ogilvy, he bequeaths 100L, and directs that she be under the guiding of his said sister. He also gives legacies of 20 merks to each of the following: James Ogilvy, son to John Ogilvy of Glassaucht, and his brother, John Ogilvy, George Ogilvy, son to George Ogilvy of Myltonn, and his brother James; Alexander Ogilvy, son to George Ogilvy, elder, and his brother, George Ogilvy. In concluding he says, "My wif, Marjory Levynston, to hef all thinges pleissandly without ony cumber quhilk scho aucth and suld haf of the law or compoissioun ressonabillly thairfor be advisse of freyndis."
95. Charge by King James the Sixth to James, Lord of Torphichen, to receive and enter Alexander Hay, director of Chancery in “the templillard contendand ane yard and croft adiacent thairto on the south syde of the kirkyard of Cullane, betuix the lands pertening to the prebendarie of Sanct An on the south, the kirk croft at the eist, the Greshauch and Castelyard at the west, the landis of Johnne Ogiluy on the north; quhilk yard was occupiit be vnquhile Sir George Duff, provest of Cullane, and the said croft, occupiit be Johnne Gillane in the toun and territorie of the burgh of Cullane within the shereftome of Banff; and ane other croft of templilland lyand in the Drummeris within the territory and shereftome forsaides occupiit siclkie be the said Johnne Gillane betuix the Priestisfand at the south, the landis of Sanct Annis prebendarie at the west, the landis of the Magdalene prebendarie at the eist, and the heilding of the landis of the Halie Croce prebendarie, occupiit be Duncane Robertsoun at the north,” which had been apprised by James Lord Torphichen for unpayd duties since the death of Christie Pratt last lawful possessor thereof who died in June 1514, and to the nonentery duties of which the said Alexander Hay was donator. Dated at Edinburgh, 9th January 1576-7.

[In another document dated 31st March 1612, John Duff of Mulkavit, Mr. Patrick Duff of Darbrniche, his brother, Walter Duff, son of John, and present prebendarie of St. Ann, and Adam Duff, his brother-german, confirm the right of James Lawtie, burgess of Cullen, to certaine of these prebendarie lands either acquired from his deceased father, William Lawtie, or from the said Alexander Hay.]

96. Mutual Bond of Manrent and Maintenance whereby Alexander Ogilvy of Boyne agrees to “honour and acknowledge” Sir Walter Ogilvy of Findlater, as his “chief and principal off quhais hous and name he is descenclit,” and concur with and assist him accordingly, “as ane kinnisman aucht to do to his cheiff”; and Sir Walter promises the reciprocal defence and protection, “as becumis ane cheff to his kinnissman.” To this they pledge themselves for their lifetimes. Dated at Fordyce, 30th January 1589. Witnesses, Sir George Ogilvy of Dunlugus, James Dunbar of Tarbet, Walter Ogilvy, apparent of Dunlugus, and Thomas Innes of Pethyvak.

97. Bond of Manrent by George Currou, siear of Inschdrour, that “Forsameikill as Walter Currou my father, and hail predessours before him, hawe being bund in service and dependence to the lairdis off Findlater, as the howse maist kyndlie to thame to depend vpon for mony respekts; and in respect I am to succeid to the said Walter, my father, his lewing, heretage and posessionis, and havung considderit my greatest weill sall consist in keipping my honest dewtie to the said hous,” he gives his pledge to be faithfull and true to Sir Walter Ogilvy, now of Findlater, knight, and his heirs; the said Sir Walter, in return, promising his protection. Dated at Cullen, 7th May 1598. One of the witnesses is James Ogilvy of Blerak.

98. Mutual bond of friendship between Sir Walter Ogilvy of Findlater and John Leslie of Balquhain, whereby they agree to “frequent and hant ilk ane others hous and compamic as occasioun sall offer and mister permit, aluayis at sum spetiall tyne, ilk ane of us to spend aucth, tene or tuell dayis in otheris houses as salle pleis ather off vs to spoint the other wpone lauchfull varning off ane moneth befor ve sail meit, no excuse except ane verray lauchfull and veill knawne caus to be admittit. The contravenar salbe bund to pay the
penaltie off ane puntione of wyne, and to be ane brekar of trew freindship." Dated at Cullen, 12th January 1605.

99. Inventories of the jewels and clothes of Lady Anna Hamilton, wife of Hugh, Lord Montgomery, afterwards seventh Earl of Eglinton, and mother of Lady Anna Montgomerie, who married James, third Earl of Findlater, and was mother of Chancellor Seafield. The inventory of jewels has already been given from the Eglinton Charter Chest [Report X., Part I., page 35], but on this copy there are notes signed by Lady Anna Montgomerie, aunt of the young lady, dated at Eglinton 24th February, 19th June, and 18th November 1646, stating that "the bairin hes gotin out" and "my berin hes gotin out," certain rings, etc., there described.

In the "Inventar of the clothis and apparral belonging to my Lady Montgomerie the tyme of hir ladyshipis deceis, sett down the 24 of October 1632, are contained,—

"Ane gryt nycht goun of freisit cloth of gold.
"Ane waistcot of rid sattein imbroderit with gold, and imbroderit slippes.
"Ane goun of cloth of gold, laid over with tevell of gold, and sum gold buttonis, with kertill and stammager conforme.
"Ane blak dames goun, laid over with slyver tevell, with sleives, stammager and kertill of quhyt sattein, imbroderit with slyver, lynit with incarnet tafftie.
"Ane blak wroght velvet goun, laid over with gold lugit lace, with kirtill, sleives of cloth of tuschie, and stammager of ane stuff lyke unto tusche, laid over with gold lace.
"Ane pink colourit tabbie goun, laid over with slyver lace, with kirtill, sleives, and stammager of the same conforme.
"Ane blak sattin goun, flowrit with slyver and laid over with sylver lace cutt vpoun tua tafftieis, with sleives, stammager, and kirtill of the samyn conforme.
"Ane blak tabbie goun, flourit with divers colouris of flowris, laid over with blak lugit silk lace, with sleives, stammager, and kirtill of cloth of sylver.
"Ane quhyt flourit tafftie nocht goun.
"Ane petticott of cloth of slyver, laid over about the taill with ane dipe frangzie of slyver.
"Ane petticott of cranissie velvet, laid about the taill with ancht gold lace.
"Ane waistcott of grein tafftie, wroght with pettie-point.
"Ane naipkine of quhyt holland cloth, wroght in cutt work with gold and sylk.
"Ane bairnes face cloth and collercloth, with ane brod gold perling, and sum gold wroght vpoun the collercloth.
"Ane niet pok of blew, imbroderit with gold.
"Ane rid skarlet ryding cott and hude, laid over with sylver lace and sylver buttonis; and ane pair of mittonis conforme.
"Ane imbroderit Bybill.
"Ane blew velvit saddill, laid over with sylver lace, and ane sylver frangzie with all furnitour conforme.
"Ane approne of tifine, with sylver ribbin and sylver perline schowit with sylver.
"Ane cusccheon cloth of cut work, with ribbin and perline.
"Foutrene ellis of flourit tafftie, blak cullourit."
100. Protest by the undersigned peers and others against an act of the Privy Council, taxing equally all the teinds within the kingdom of Scotland, as well those held by just and undoubted right, as those aimed at by the Commission of Erections, which are more questionable. They are not unwilling to enlarge the King's patrimony by the taxation of their teinds, but they are desirous that their good teinds should not be prejudiced by being placed on a level with the others. No date, but circa 1633. Signed by "Huntlye, Eglintoun, Wintoun, Seaflot, Blantyre, Burghly, Cranstoune, Ramsay, Deskfoord, Petsligo, A. Gray, S. J. Grant, A. Falconer, fiar of Halcarton, J. Neutoun, Sir W. Sinclair of Cadboll, Patrik Bruce of Newtovne, D. Pitcairne of that Ilk, J. McKenzie of Tarbat, W. Seton of Meldrum, John Gordoune, Sinclair of Murkill, Robert Innes of Balvenij, William Bruce, Jo. Cranstoune of Thorndyke, Johne Cranstoune of Skeddisbus, T. Cromby of Kemnay," and another.

101. Discharge by George, second Marquis of Huntly, to James, Earl of Findlater, from whom he has received "full satisfactione . . for certane parcells of his Maiesties armes and ammunitione delveryed by me to Thomas Abercrombie of Skeith" in 1639. Dated 1st April 1644.

102. Licence "by the Commissioners of the Parliament of the Commonwealth of England for orderinge and managinge affaires in Scotland," to the burgh of Cullen, to choose magistrates and officers for the government thereof, "according to their former rites and customs," their deputy having declared their "acceptance of the tender" of the said Parliament, "to be incorporated into the Commonwealth of England, and to be one therewith," and engaged to live peaceably and in obedience thereto. In the exercise of their authority the magistrates are to use "in all cases where formerly the name or stile of kings hath bin used," that of "the Keepers of the Liberte of England by authority of Parliament." Forms of the oaths to be taken by every person elected to the magistracy, and by burgesses and freemen are subjoined, and also a form of declaration to be subscribed by all electors before exercising the franchise. The first election is to take place within fifty days of the granting of this licence, which is dated at Dalkeith, 13th March 1651, and signed by Ol. St. John, Rl. Deane, Robert Tichborne, and R. Salway.

103. Notarial Instrument narrating that certain of the magistrates and burgesses of Cullen had gone to the mosses and muirs of the said burgh, where James Hay of Rantis, Peter Gordon, natural son to Sir John Gordon of Park, and James Cock, elder and younger of Carnoch, "accompanyed with ane great many people of his Hyenes frie leidges with great tries and corne forkis, quhom they had convocated in ane hostile way," had cast down the just marches of the said burgh, "quhilk wer erected by the old ancestors of the saidis magistrates of Cullen sicke ever it had ane bicing to be ane toun, and incrocathing extreamlie vpon the just liberties of the said burgh" by setting up new marches. These the magistrates of Cullen now cast down, thus making civil interruption, but being threatened by their opponents with hostilities, James Cock, younger, being girt with "ane vnlawfull weapon vpon his syde (called ane durn)," they took instruments. Dated 9th August 1656.

In a summons raised by the magistrates of Cullen against Hay of Rannes, and his associates, dated 29th October 1661, in connection
with this dispute, both the incident itself and a subsequent feud between Hay and the town is more fully narrated.

104. Obligation by John, Earl of Tullibardine, and Sir James Ogilvie, principal Secretaries of State for Scotland, that seeing they had granted a commission to Mr. Alexander Belshes, writer, in Edinburgh, to be sheriff clerk of Midlothian for his lifetime, in consideration whereof he had paid to them, equally between them, 500£. sterling, they for their respective halves thereof would refund the same in the event of James Scott, the late sheriff-clerk, reducing their said gift in the Court of Session, Belshes being accountable to them meanwhile for the profits and perquisites of the office received by him. Dated at Holyrood House, 15th September 1696.

105. French letter. General Ogilvy to James, Earl of Seafield, Chancellor of Scotland. That he had long desired to know about his family in Scotland, and had now learned from Mr. de Macky, lately come from that country to the Imperial residence, how his lordship held the office of Lord Chancellor there. His Majesty King Charles had been pleased to honour his father, now deceased, “par une diplomé de nostre famille. Mais come dans la derniere guere des Barbars l’original fit perdu dans les flames, que les Tourques ont estandu dans la plus grande partie de ce pais, vous me pourriez obliger infiniment, en me procurant un autre de la meme sorte et signature, pour l’honneur de nostre famille estranger dace ce pais ici; quoique pour l’a present il y ne soient que moy, mon fils unique, qui est capitain dans le regiment de Baden, et 4 de mes seurs dont il y a 2 dans les convants religieuse.” He hopes for an early reply. For the present he is in the service of His Imperial Majesty. Dated at Vienna, 7th November 1703, and signed “B. Fr. Ogilvy, Mr General.”

106. Several pages of ciphers used in the State correspondence of this period, including two of “My Lord Thesaurers Cypher” (Earl of Godolphin), the old one and “the new one”; also “Mr. Johnstone’s Cypher,” at the end of which is written, “Direct for Mr. J. thus—For Alexander Fraser, Haberdasher of Hatts at the Elephant at Charing Cross, London.” There is also “Mr. Weatherburnes Cypher,” and another called “Cypher C.” this last being altogether of a mixed numerical and hieroglyphic nature.

107. “A State of the Actings and Sufferings of the deceast John Seton of Pitmedden, James and Sir Alexander Setons, his sons, for the royal family, commencing from the beginning of the intestine warrs of the kingdom of Scotland in the year 1638. Written by the said Sir Alexander, and humbly offered to the right honourable the Earle of Finlater, lord High Chancellour of North Britain, to be communicated to the Queen’s Majesty, as his lordship, after discoursing the Earl of Mar, shall think convenient, who will concurr with his lordship and shall have a copy of the same memoriall.”

He narrates the particulars of his father’s and elder brother’s lives and deaths, also of his own life (being now in his 79th year, and having been born in 1635), and also about his mother, a daughter of Johnstone of Elphinstone and second wife of James, first Earl of Hartfell. The object of the narrative was to interest the Queen and procure payment of certain arrears of salary due to him as a lord of Session before he was deprived of that office in 1686. Circa 1714.
108. List of the Faculty of Advocates in 1746, in duplicate, giving
the year of each members entry from 1692 down to 1746, with notes
against many of the names, e.g.,

Sir William Cockburn, T., old.
1699. Mr. George Douglas, W., fail'd.
1704. Mr. Charles Areskin, W., old and fail'd.
1707. Mr. Thomas Menzies, Cuteraws, dead.
1710. Mr. David Walker, W., no lawyer.
1711. Sir Philip Anstruther, Clerk to the Bills, W., unfitt.
1716. Mr. David Rutherford, no lawyer, probably whig.
1719. Mr. John Erskine, senr., W. D. Carnock, said to be a
gentleman of great honour.
1726. Mr. George Sinclair, W., fit, brother to Steinson.

These are but few out of the list, which contains in all about 180
names; W. evidently denotes Whig, and T. Tory.

William Fraser.


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