



Register of Privy Council of Scotland

Dundee, Burgh of Volume 2 - 1569-1578

P141

Anent our Sovereign Lords letters Raised at the instance of James Lovell burgess and costumer of Dundee, makes mention, That where Mr John Moncur, in the month of July last by past, Departed furth of the water of Tay with one ship laden with fish to the parts of England, without any payment of any custom therefore, he being merchant and owner of the said ship, and being admonished Be the said James Lovell, customer to our Sovereign Lord in the past, that he should not depart without payment of custom or showing to him of one coquet, and whereupon promise made failed and departed; and such like in the month of April last was departed furth of the said water with one ship laden with white fish and victual such as beir, being likewise merchant and owner, without custom or showing of coquet, being such like descript thereto be said James, express against the laws of this realm. And to the evil example of theirs to do the like if this be suffered to remain unpunished. And anent the charge given to the said Mr John Moncur to compeer before my Lord Regents Grace and Lords of Secret Council at one certain day by past, to have answered to the complaint abone written Under the pain of rebellion and putting of him to the horn with certification to him and he failed, letters should be direct to put him to the horn, and to escheat and in bring all his movable goods to our Sovereign Lords use for his contempt ion, as the said letters, execution, and indorsation thereof, at more length proposes. The said James Lovell comprehend personally and the said Master James Moncur of times being called and not comprehend, my Lord Regents Grace, with advise of the Lords of secret Council, ordains letters to be direct to officers of arms, Sheriffs in that part, charging them to pass and denounce the said Mr. John our Sovereign Lords rebell and put him to the horn, and to eschete and bring all his movable goods to his Majesties use for his contempt ion, after the form and tennour of the said letters.

P 156, DUNDEE, 11th JULY 1572

Surety for the entry of Henry Lovell of Ballumby before the Council

P 163

PUD Stirling Quinto die mensis September, anno Domini Jm Vclxxii



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Anent our Sovereign Lords letters purchest be the baillies and council of Dundee, makes mention;--that where upon the xxv day of August last bypass sindre of their neighbours, indwellers of the said town, returned from Bartholomew Fair, believed no evil of any person of persons but to have leived under Gods peace and our Sovereign Lords as his highness free lieges; notwithstanding George Commander of Arbroath, accompanied with a great number of hagbuttars and others persons bodin in fair weir, at the fute and end of Carnomouth, come and tiik perforce certain of the inhabitants thereof as persons, vicelike, Robert Jack, Savid Jack, Thomas Rattray. Rattray his sons and John Craigtoun, with sundry their goods and gear, and had and carried them away Arbroath, and their detained as persons while that were constraint to find caution ilk one of them under pain of two hindered merks, that they should enter again as they should be required upon three days warning; and yet the said Commander, not content of this wrong and injury committed be him upon the xxviii day of the same month. Come to Erne mouth, betwixt Dundee and St Johnstown bodin and accompanied in manner foresaid, and their perforce took one laden with sundry merchandise goods of Dundee beand passed to St Johnstown to the market or fair called St Johns Fair, had and carried the same away with him, and yet has the goods in his hands and keeping to the value of v or vi'm merks, where throw the owners thereof or alluterlie here it, the same being most part of the goods they had to win the leaving and sustentation of them selves, their wives and children; and attoure, chased sundry others boats beand

Also passed up the same water. Shot hagbutis and daggis at the persons being therein. And has hurt William Gold alas Withy tan and diverse others to the effusion of their blood in great quantity; and yet daily and continually awaits alswell for their slaughters as for forder spuilieing and revving of their goods and gear, in hei and manifest contemptuous of our Sovereign Lord his authority and laws, and to the evil example of others to do the like give this suffered to remain unpunished. And anent the charge given to the said Commander, to deliver the said goods and gear intermitted with him and his accomplices at his command as saud is ti any one of the owners of the same havened commission of the rest within xxiii hours next after the charge; or else ro compare personally before my Lord Regents Grace and Lords of Secret Counsel, this day--as the third day after the charge, and answer to this complaint, and also to underlay such other order as should be input to him for the will and quietness of the country, under the pain of rebellion and putting of him to the horn; with certification to him and he failed, the said day by past, letters could be direct simplicity to put him to the horn, and to escheat and bring in all his movable goods to our Sovereign Lords use, for his constemtion, like as at more length is contented in the said letters, execution and indorsation thereof; the said Baillies and Counsel of Dundee comprehend be Master James Halyburton their Provost, and Peter Clayhills one of the Burgesses of the



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same and the said Commendatar being of times called and not comprehend, my Lord Regents Grace, with advise of the said Lords, ordains letters to denounce the said Commendatar our Sovereign Lords rebell and put him to the horn, and to eschete, etc, after the form and tennour of the said letters

P 183

Anent our Sovereign Lords letters raised at the instance of David Henderson indweller of Dundee, makes mention;--the quhair David Ogilvy of Auchtiralych, John Ogilvy his son, and diverse others their accomplices has violently and ejected the said David Henderson, his wife and bairns, furth of his kyndlie steading called the free lands of Abirbrothie pertending in heritage to James Wedderburn nurgess of the said burgh, and has tane and reft fra the said David his haill Goods, geir, insicht, corns, cattle and others being thereupon; and has put him poor wife and bairns to such extreme necessity that they are able to pereis for lake of sustentation

For no other cause that they had against the said David Henderson of the said James his master, but that they estimate the pretended forfeiture led the Quenn our Sovereign Lords moderis time, against all the inhabitants of the said burgh of Dundee should take place, and that the said David Henderson and his master, as members thereof are just to pray to them in respect of the said floater,--in hie contempt ion of our Sovereign Lors, his authority and laws, and in evil example to others to commit the like odious offences against poor peaceable people give this remain unpuneist.¹ And anent the charge given to the said David And John Ogilvie, to compare before my Lord regents Grace and Lords of Secret Council at one certain day bipast, to answer to the said complaint under the pain of rebellion and putting of them to the horn, with certification to them and they failyeit letters should be direct simplicities to put them to the horn;

Like as at more length is contented in the said letters, execution and Indurations thereof.-- The said David Henderson comprehend personally, and the said David And John Ogilvy's overtimes called and not comprehend,--my Lord Regents Grace, and advise of the Lords of Secret Council, ordains letters to be direct, to denounce the said David and John Ogilvy's our Sovereign Lords rebels, and put them to the horn, and escheat, etc

P245

Anent our Sovereign Lords letters reset at the instance of William Auchinlek burgess of Dundee, makes mention,--That Where upon his supplication given to umquhile John Earl of Mar Regent of this realm, who haven consideration that the said William was shot with one great bullet through the bone of his leg, and thereby mutilated and made unable to win his leaving in his Graces service amongst his neighbours and brothers of Dundee,--at our Sovereign Lords of parliament held in the Cannon gate, the said unquhile Regent ordered



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and commanded James Lovell burgess and costumer of the said burgh of Dundee, to content and pay to the said William the sum of forty pounds of the reddiest of the customs of the said burgh, as the ordinance made upon the back of his said supplication subscribed to the said Regent, of the date the xi day of July the year of God JmVclxxii years, at more length properties: nevertheless the said William never got nor can obtain no payment from the said James Lovell, notwithstanding that he, his wife and bairns, are in great poverty and misery for lake of their sustenance. And anent the charge given to the said James, to content and pay to the said William, the said sum of forty pounds of the readiest customs of the said burgh conform to the command given him of before, within six days after the charge, or else to compeir before my Lord Regents Grace and Lords of Secret Council upon the next day next after the said charge, and show one reasonable cause why the same should not be done; with certification to him and he failed, letters should be direct simplifier to put him to the horn, like as at more length is contened in the said letters, execution and indorsatioun thereof: -

The said William comperand to George Auchinlek servant to my Lord Regents Grace, and the said James Lovell oftymes called and not comperand, my Lord Regents Grace, with advise of the said Lords, orders letters to be direct to officers of arms, Sheriffs in that part, charging them to pass, command, and charge the said James to content and pay to the said William the said sum of Forty pounds of the readiest customs of the said burgh, conform to the command given to him of before within six days next after he be charged thereto, under the pain of rebellion, etc., and if he fails therein, the said sic days bypass, to denounce, etc., and to eschit, etc

P407. Dalkeith 28th Sept., Perth

Anent our Sovereign Lords letters rasis at the instance of the Provost, Baillies, Counsel, Deacons of Crafts and Community of the Burgh of Perth, makes mention; that where the said burgh is founded and dotat with sundry gifts and privileges be our Sovereign Lords most noble progenitors of good memory, as the evident thereupon under the Great Seill proports; and among others, they are dotat with the water of Tay from Drumla to the burgh of Perth to pertene to there to there liberty and freedom. Whereupon they have action depended before the Lords of Session, quhilk rests and lies over there sundry years past undecided, throw the iniquity of time and troubles intervening within this realm. And now of late desist and leif of there pursuit of there right and privilege in the said water, and ineneding indirectly to intruse themselves therein, has upon the said complainers, for alleged bigging and reparation of the Shore of Dundee, and has caused arrest there goods in the oppim Shore in danger of spilling and tinsell. Not permitting the same to be shipped nor sellarit without they pay the said tax and imposition by the old use and wount allege and them to have our Sovereign Lords gift and confirmation thereon for the three years.



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Howbeit the said shore and having is now in all good state as it has been in effect heretofore past memory of man; and in any thing needful a sober thing would reform it, whereunto such a great and heavy one imposition as the pretend to exact of the said complainers is not needful, viz, xii, xii s for ilk ton of their goods ilk voyage, not having regard herewith all to the decay of their brig of Tay, being a thing accidentally happened at Gods pleasure, throw great inundation of water --and the like not happening since the first bigging thereof - Quhilk can not be repaired and remedied without some great and extraordinary provisions; and give any towst should be taken of their goods, it were more convenient and equitable to be employed on their own work of the said brig, being a thing so necessary not only for their town, but for the hole country, nor on the shore of Dundee, that nowhere craves so large nor so present support. And anent the charge given to Master James Haliburton Provost, Alexander Wannand, Richard Blyth, Robert Kidd, and James Finlayson, Bailies of the said burgh of Dundee, to compare before my Lord Regents Grace and Lords of Secret Council this day, to here and see them discharged of raising and uplifting of the said towist and imposition in time coming, notwithstanding the gift or confirmation foresaid under the Privy Seal granted to them thereupon, declared the same effect thereof, in so far as it may be extended or interpreted against the said complainers, to cease and have no further effect in time coming, for the causes foresaid; or else to show one reasonable cause why the same should not be done; with certification to them and they failed, they should be discharged in manner abonewrittin, like as at more length is contented in the said letters, execution and indurations thereof. Quhilkis being called, William Lord Ruthven Provost. And Oliver Peebles on of the Baillies of the said burgh of Perth, comprehend personally for them self's and in the name and behalf of the remained baillies, Counsel, Deacons of Crafts, and Community thereof; the said master James Haliburton Provost, Richard Blyth, James Lovell, Alexander Scrymgeour, and William Forester, Baillies of the said burgh of Dundee, being also personally present. The reasons and allegations of both the said parties being heard and considered. My Lord Regents Grace, understanding the matter to be great and wechtie, and he to be solitaire, the noble men and others of our Sovereign Privy Counsel, Being for the most part absent, therefore has continued and continues the same in the like form, force and effect as it is now, but prejudice of party, unto the xxviii day of November next to come; and in the meantime has discharged and charges the said Provost and Baillies of Dundee, of all exacting or uplifting of the said towist and imposition upon the said complainers unto the said day, taken only inventure of their goods and gear, because caution is else funding that the same shall be answerable, as my Lord Regents Grace and Council shall decern; both the said parties warned to the said day apud acts.



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P440. Anent the town of Dundee.

Forsamekle as our Sovereign Lord, with advise of the Regents Grace Has been given and granted his Highness licence and privilege under the Privy Seal to the Provost and Baillies and Community of the burgh of Dundee, to raise and uplift a certain towst and imposition of every ship, vessel and goods alsweill out passand as in command at the port and haven of Dundee; and that for bigging and reparation of the shore peir and bulwark of the same, as the said letter made thereupon at more length properties quhilk is ordained to induir for the space of three years next after the date thereof. Wherefore and to the effect that the same may the better take excution alsweill in the diligent and uprycht raising and up taking of the sad towst and imposition, as in the faithful waring and employment of the same upon the bigging and repairing of the said work, for the weill and comoditiy of the said burgh and strangearis resortand thereto, or to sic othe good use and work as our Sovereign Lord and his said Regent shall think convenient to bestow same kill of the same upon, as shall happen to rest and be surplus, attour the bigging, mending and reparation of the same shore and pier of Dundee. The Regents Grace, with advise of the Lords of Secret Council, has nominat, appointed, and ordanit, an be their presentis, nominats, and ordains Achinlek of that Ilk, to attend and see the collecting and up taking of the said sowst trewlie and diligently, as alsua to see the same faithfully employed or kept in maner and to the effect before specifit, freely without any fee or duty to be taken or retenit be him of the said towst to is own use and behuir therefor, compt and rekyng thereupon in the chekkerat the end of the said three years to make and give; to the end that give than the said towst and imposition shall happen to extend to any greatetr soum not shall big, mend, and repair the said shore and peir, the surperlus for quhilk he salbe haldin to answer, may be answerable and forthcoming to applied to sic othe good works as our Sovereign Lord and his said Regent shall Command.

P515. Anent the custom of skins

Frosamekle as it is understand to the Regents Grace and Lods of Secret Council, that our Soverreign Lord is greatly defrauded in his customs, not only of the skynniss passed forth of this realm,--the fassioun of pakking and nowmering not being in all places,--but in some parts there is a great number ma paked for the hundredth nor in other places,-- specially at Dundee, Montrose, Aberdeen, and others ports on the north coast,--different from the order observed in Edinburgh quhilk admits only six score skynns for the hundredth. Therefor ordans letters to be direct, charging the customs and clerks of Cokquett, of the said burrows and all other ports of this realm, that none of them take upon hand, to custom any ma skynns for the hundredth but six, and to uplift and collect our Sovereign Lords customs conform thereto, as they will answer upon the execution of their offices at there uttermost charges and peril; certifying them and they be negligent herein, they shall be called for



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defrauding of our sovereign Lord of his Hienes customs, and punetis therefor with all rigour in example of others.

P638

(Edinburgh 22nd September) For Payment of Taxation within Burrows.

Forsamekill as albeit proclamation was made, charging all and sundry our Sovereign Lords lieges inhabitants of the burghs of Dundee, Linlithgow, Montrose, Perth, Coupar Fife, Sanctandros, Arbroath, Dysart, Kirkcaldy, Brechin, etc., that they and ilkane of them, weill bodin in feir of weir, should convene and meet my Lord Regents Grace at Dumfreis upon the tenth day of October nex to come; and from time to pass forthwith with forty days victualls and provisions, for persute of the thieves, outlaws and others perturbaris of the public peace and quietness, as at more length is contented in the proclamation direct thereupon. Notwithstanding upon humble suit made be the inhabitants of the said burrows, and offer of taxation of the sumes particularly following to the furnissing of men were to supple their rooms and public service, licence therefore is granted to them to remain and abide at home from the said oist and army, that is to say, for the inhabitants of the said burgh of Dundee some of etc. For payment of the quhilk sumes, my Lord Regents Grace, with avise of the Lords of Secret Counsale, ordans letters to be direct, charging the inhabitants of ilk burgh foresaid to convene and elect persons to stent their neighbours, and to charge the said persons elected to accept the said charge upon them the said stent, and to convene and make one stent roll thereupon as effers withixxiii hours next after they be charged thereto, under tha pain of rebellion, etc., and if they failve therein, the said xxiii hours being pipast, to denounce. Etc., and to escheit , etc. And sickle the said stent being made and set, to charge the burgesses neighbours ,and inhabitants of ilk burgh, to make payment of their parties of the said stent, conform to the taxed roll to be made and given out thereupon within others xxiii hours next after they be charged thereto, under the pain of rebellion, etc., and if they fail therein, the said xxiii hours being bipast, to denounce etc., and to escheit, etc., and if need be to poind and distrenye their reddiest goods and their gear therefor, and make open durris and use our Sovereign Lords keys to that effect.

P640. Protestation Dundee

The Quhilk day, in presence of my Lord Regents Grace,, comperit personaly James Lovell and Alexander Ramsay burgesses of Dundee, and protested --that the present taxation of Five hundred granted be them in name of Procvost, Baillies and Inhabitants of the Burgh of Dundee, for licence given for their remaining from the oist, raid, and army appointed to convene at Drumfries upon the tent day of October next to come, provided to temain during the space of forty days thereafter for persute of the thieves, outlaws, and others troublers of the public peace and quietnes of the two realmes, shall not prejuge the said



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Provost, Baillies, and Inhabitants, nor be as preparative in the payment fo the like taxation in time coming, but that they be subject to the payment of their parts pro rata, with others burrows of this realme as effers.

P693. Anent the Wines

The Kings Majesty and Lords of Secret Counsale being informed that their diverse ships with wines lately arrived and to arrive at the ports of Leith, Dundee, and others parts of this realme; of the first and best quhair it is convenient that his Majesty be served for the use and furnishing of his highness house. Terefore ordans letters to be direct to officers of the Kings Sheriffs in that part, charging them to pass, command, and charge all and sundry persons already arrived or that shall happen to arrive with any wines at the said ports of Leith, Dundee, and other ports of this realme this present year, that they retain and keep the same wines within shipboard unlossit while the same tasted, waillit, and one tun every ten tunniss of the said wines marked and laid in sellar to our Soverreign Lords use, bi his Highness Symleir of Thomas Lindsay Snawdoun Herauld, in Leith and in Dundee or other ports where wines arrives be his said Symleir or such as shall have direction from him, for thankfull and good payment as seasonable and sufficient prices to be made therefore; and to arrest the same wines, to remain under arrestment in shipboard whill the said wines be tasted, marked, waillit, and one tun of every ten tunniss sellared and laid apart to hi Majestys use as said is, aas they will answer to his Highness upon the execution of their offices.

P738.

James Wedderburn, clerk of cocket in Dundee March 27th 1575, Robert Kydd, baillie of Dundee - -surety for the clerk of cocket of the burgh. Aug. 18th 1575

P701.

That none transport the slayers of the Lord of Gardine forth this realme Forsamekill as it is understand to the Lords of Secret Counsale be complaint made be the bairns and friends of umquhile Patrick Gardine of that ilk, that William Guthrie son to Guthrie of that ilk, with his accomplices, bodin with daggers and pistols, prohibit to be worn be Acts of Pariament and Secret Counsale upon the tenth day of May insatant set upon the said umquile Patrick Gardine, and cruelly, shamefully, and unmercifully slew him be shot of one gun or dag upon set purpose and provision, in his contempt of our Sovereign Lord

P505. Anent the Wines

Forsamekill as it is understand to the Regents Grace and Loerds of Secret Counsale, that their diverse ships presently arrived within this realme with French wines of the best reddest of whereof it was reasonable that our Sovereign Lord and Regents Grace and



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nobility be first served, according to the Acts of parliament; therefore ordains letters to be direct to officers of arms, Sheriffs in that part, charging them to pass to the Shore of Leith, Burgh of Dundee, City of Santandrois, and all others parts and burrows where French wines are already of shall happen to arrive, and their be open proclamation, in our Sovereign Lords name and authority, command and charge all and sundry the masters and skippers of the said ships, owners and merchants of the said wines, that none of them take upon hand to break bowke thereof, but to keep the same within boddum or sellars hole and undisonit , sauld or away put in any sort, ay and quhill sample of the best thereof be walit, market , and laid by to the use and provision of the houses of our Sovereign Lords and his raid Regent, under the pains contenit in the said Acts of Parliament; and als to fens and arrest the said wines, and make just inventure of the same, and to quhome the same apperentis, to remain under arrestment, un-sauld or transported any ways, while our Sovereign Lord and his regent be served and staikit for their provision as said is; and to charge the Provost and Baillies of the said burrows and towns to see the premises fulfilled, as theu will answer upon their obedience at their uttermost charge and peril.

P 235

Apud Haliruidhous, quarto june, anno, etc. lxxiii' o

Anent the transporting of men weir and passengers

Forsamekill as it is understand to my Lord Regents Grace and Lords Secret Cousale, that a good nowmer of the lieges of this realme are prepared and putting themselves in readiness to pass to the sea under pretens to serve in the wars in forgeign countries, not having our Sovereign Lords licence thereunto; be quhilk means they may use hostilities against the confederate friends of our Sovereign Lord this realme other on sea or lasnd, and swa procure inymitie and war against the same--his Highness presently, at Gods good pleasure, enjoying peace with all Christian Princes and common welt his --without hasty remeid be provided. Therefore my Lord Regnets Grace, with advise of the said Lords Secret Cousale, ordains letters to be direct to officers of armes, Sheriffs in that part, charging them to pass to markat cross of Edinburgh, Leith, Dundee, Aberdeen, Montrose and all other places needful; and there be open proclamation in our Sovereign Lords name and authority, command and charge all and sundry his Highness lieges, as well men of weare as others what so ever, that none of them take upon hand take a ship or depart forth of this realme without they be first under charge of Captains having his Highness special licence to transport them; or that otherwise they have particular licences be themselves; under that pain of deid. And suchlike that no manner of masters ships of owners of ships ressave any captains, men of war, or passengers, to be transported forth of this realme to any parts beyond sea not having our said Sovereign Lords lecence thereto, to be kept for their warrant, under the said pain of deid and confiscation of the ship--with the remaining goods



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movable of the said masters skippers and owners-- to our Sovereign Lords use, for their contemption.

REGISTER OF PRIVY COUSIL OF SCOTLAND 1578-1585

Stirling Castle 20th November. Caution for Scrymgeour of Dudhope.

Walter Ramsay, Burgess of Dundee, having "made faith that he dred Bodily harm to be done to him" by James Scrymgeour of Dudhope, Constable of Dundee, and Scrymgeour being personally present, The Lords order Srymgeour, under pain of "one thousand merkis" to find suffient surety" that the said Walter shall be harmless and scaithless of him

P 51

Stirling Castle 2ndDec. David Dunbar against John Campbell and others.

Complaint by David Dunbar of Kynstary, as follows;--

"Thomas Caddell in Clunes, John Or in Moy, John Caddel, bastard son tp awhile John Caddell in Clunes, John Caddell in rorachie, Thomas Caddell in Flures, William Caddell his son, John Archindoun, John Mason, eldest son to Partick Mason in Easter Kilrawok, Donald McFail in Archindoun, James Dempster in Caddell, Alistair McBrabnar thair, pal Mcdonald Roy thair, Nicoll Mason in Inchedell, Alexander Bain McFinlay thair, Thomas Montgomerie in Monzeournane, George Montgomerie in Brumehill, Donald McAwreoch in Caddell, John McAwreoch in Little Uechun, Alexander Gowanson, 'son to Umquhil Alexander Gowanson that was hanged in Dundee' Alexander Roy McAgie in Caddell, Alexander Stewart thair, John Stewart thair, officer, John Caddell, brother to James Caddell in Forress, Thomas Chisholm, Fiddler in Clunes, Nicoll McGellefedell Thair, Alexabder Moir Mc Gillereist thair, John Dow McCruner in Caddell, Finlay McImreoch on clunes, Nicoll McGillefedell thair, nd John McGowandreis thair.

All servants and tennents to John Campbell of Caddell, accompanied with diverse others, their accomplices, with convocation of our Sovereign Lords lieges to tha munber of lx persons of thereby, all bodin in weirlike manner, pately upon the xx day of Oct., last bipast, off the special caousing, divising, hounding, sending, art, partaking, command, assistence and ratihabitoun of said John Campbell of Caddell their master, of Duncan Campbell of Boith, his father brother, come to Kirk yard of Alderne, land within the sheriff dome of Nairn, where, the said Dunbar being ganged within the said Kirk yard, for the time accompanied only with Alexander Davidson and William Lyon, his servants and their said



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persons most cruelly and numericifully slew the said Alexander Davidson and William Lyon upon set purpose and provision; like as they at the same time took the said David Dunbar captive and prisoner, had, led and convoyed him away the them to the tower and fortalice of Caddlell, Where they detained and yet denys him in captivity and prison continually sensyne". the complainer asserts that " he is innocent of all crimes and offence that may be imput to him, and for the better triall of his innocence he as found surety to the Jusrice Clerk and his deputy's that he shall compare before the Justice or his deputy's the third day of the next justice air of the sheriff dome of Elgin and Forress or Nairn, where he dwells, or sooner when or where it should please our Sovereign Lord upon xv days warning and underlay the laws for all crimes committed be him, or that maybe layed to his charge, under the pains contenit in the Acts of Parialment, 1577-79

As at more length discontent in one act in the biills of adjornall made thereupon" Having made his complaint before the Lords of Council Session, he had obtained letters charging his detainers to set him free within three days under pain of rebellion; on their disobedience, he had "caused denounce the said persons rebels and put them to the horn", but with no effect. "And so the said David is detained captive, and our Sovereign Lords auctoritie contemped, the deteneris of him in captivity being denounced rebels and at the horn as said is, and yet dalie hantand and repaired in his Highness house and company as if they were his Majesty's frie legis. Hence his renewed complaint. I consequence of that renewed complaint, the said John Campbell of Caddell had been summoned in the usual manner to exhibit his captive before the Council and abide the issue; and now, as he had aooeared personally, and "presented and exhibit the said David dunbar before the said Lords, protestin, in respect thereof, that he might be relaxed from the process of horbe and led against him for non-puttung of the said David to liberty conform to the foresaid letters" the Lords declare, in the first place, that dunbar is free from that moment to go where he pleases, but also in the second place, that in respect of Campbell's complaiance , letters as to pass charging the proper officers to "relax the said Johb Campbell from the process of horn led upon him for the causes foresaid, resave him to our Sovereign Lords Peax, and give to him the wand thereof simpliciter in time coming.

P 116

Stirling Castle 18th March. Acts 1577-79

Sederunt--Domini ut in die predict

Complaint by Sir William Murray of Tullibardin, Comptroller of the Kings Household, as followa;-- ha had "directed Jeremy Bowie, simleir, Several persons in Edinburgh and Dundee charged with refusing to supply wines for his Majesty's Household at the regulated prices six persons, or three more than had been present five days ago (ante, p. 108) Six of the persons who had been present, viz, the Earls of Eglinton and Mar, Lord Robert Stewart, the



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Archbishop of St Andrews (Patrick Adamson), the Abbot of Culross, and the Abbot of Balmerinoch, are now absent; but the Earls of Atholl and Montrose, with Lords Innermeath, Cathcart, an Drummond, the Bishop of Dunkeld (James Paton), the Abbot of Cupar, and the Abbot of St. Colme (James Stewart of Doune) and the Comptroller (Sir William Murray of Tullubardine), all of whom had been absent, are now present; These making up the sederunt with the Earls of Morton, Angus, Argyle, and Rothes, Lords Ruthven, Boyd, Ochiltree, Herries, Sinclair and Oliphant, the Archbishop of Glasgow (James Boyd), the Bishop of Brechin Alexander Campbell) the Abbot of Dunfermline (Robert Pitcairn), the Abbot of Deer (Robert Keith) the Abbot of Cambuskenneth (Adam Erskine), the Clerk-Register, and the Justice-Clerk. The most remarkable thing in the sederunt, however, is the presence of the Earl of Atholl, presiding as Chancellor, and taking the first place, notwithstanding the order reserving that place always for the Earl of Morton, (see vol 2 p. 704.)

Although Argyle had for some time been back in Council, co-operating with Morton, Atholl had hitherto kept himself aloof, meditating a policy of his own (ante, pp. 56 and 102, footnotes) and his re-appearance now is significant. He had made up his mind to follow the example of Argyle, Montrose, Herries, and the other of his faction, in becoming reconciled to Morton, externally at least; and was now, after ten months of separation, sitting, as they were, in the same Convention with Morton and Angus, the chiefs of the Douglasses. The minute of the single proceeding of the Convention this day indicates the policy that had been adopted by the new coalition of the Douglasses and the Stewarts, with Argyle, Montrose and the rest and especially the Erskines of the House of Mar, concurring. It was to be action against the Hamiltons. In view of what has to follow on this subject in the Register, a little explanation is desirable here.--Since the death in 1575 of that James Hamilton, second Earl of Arran, and Duke of Chatelherault in France, who had been declared the second person in the realm on the accession of Queen Mary, and the nearest to the throne in succession to her if she should die without issue, and who had been Regent of Scotland in her name from 1542-1554, the heads of the great Hamilton family had been his four sons--James third Earl of Arran, and Lords John, David, and Claud Hamilton. The first of these, who had been talked of as a husband for Elizabeth of England and Mary, had been hopelessly insane for some time, and was living in retirement under the charge of his mother, the widowed Duchess of Chatelherault; so that the real representation of the family depended on his brothers and especially on Lord John, who was in possession of the vast family estates, and was also Abbot of Commendator of Arbroath, and Lord Claud, who was Abbot Commendator of Paisly. Both of these, with their father, and their relative the Earl of Huntly, had both been active leaders in the civil war, and in all the movements and conspiracies, for Queen Mary through Regencies of Moray, Lennox, and Mar (1567-1572), and had been faulted in consequence; but, by the great "Pacification of Perth" of



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February 3, 1573-4, by which Morton signalled the beginning of his Regency, and the contracting parties in which were expressly Morton's government, on the one hand, and Huntly, and Lord John Hamilton, for himself, his brother Claud, and the rest of the Hamiltons, on the other, full remission, with restoration of estates, &c., had been granted to the brothers. They were named first in the Pacification, along with Huntly, at the head of a long list of the condoned Queen's men. Since then they had been living in Scotland as private noblemen, peaceably enough on the whole, but thought of as persons who might be dangerous, on the second of their ambition, their wealth, and their hereditary family claims to the crown in certain contingencies. There were also particular incidents in their past career of activity for Queen Mary which were remembered by many, and especially by some of the Houses of Stewart, Douglas and Mar, with a desire for revenge. And now it had been concluded to reopen proceedings against them and the Hamiltons generally; and the present order respecting Lord Claud Hamilton's rights in the rich Abbey or Commendatorship of Paisley was the first step, with the letters of commission for visiting, tasting and up taking of wines to the furnishing of his Majesties house upon reasonable prices, commanding the provosts and baillies of all borrows and towns where wines arrives and remains to concur, fortify, and assist to the said Jeremy in execution of the said commission, as they would answer upon their charge of the said commission power is given to make open durris of lokfast houses and lumes in whatsoever borrows, and search all ships in whatsoever heavynnis or harbours, and use our Sovereign Lords keyis to that effect, for tasting, vesityng, and up taking of so meikle wines as necessarily will sustain his Highness's house in manner foresaid upon reasonable prices". Although there had been du proclamation in Edinburgh, Dundee and Leith, "nevertheless, James Hucheson, burgess of the burgh of Edinburgh, and George Spence, burgess of Dundee, refused to open their sellars durris to the said Jeremy", while other persons in Edinburgh, and Dundee, "after he had seen, tasted, and marked some of their wines to his Highnesss use, would not suffer him intromit the same without present payment or obligation to short days for greater prices then wines are commonly sold for within the said burrows his Majesty thereby in war cause nor his subjects; swa that his Highness cannot be furneist of wines this year nor in time coming without tymous remeid be provided." The offenders in Edinburgh, in addition to the foresaid Hucheson, were "William Simson, William Paterson, John Morrison, John Jackson, James Ross, John Fairlie, and sundry other burgesses;" those in Dundee, in addition to the foresaid Spence, were James Flescheour, Peter Clahills, John Finlayson, and William Henry". But the Provosts and Baillies of both towns were also to blame.

When applied to by Jeremy, they had answered that "they could compell none to deliver their gear from them without assurance for payment thereof". Accordingly, all parties in Edinbirgh had been summoned; and now, "the said Sir William Murray compeirand



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personally, and the said Archibald Stewart, provost, Robert Kerr, Gilbert Dick, and Richard Abercromby, baillies, John Morrison, younger James Hucheson, William Peterson, John Jackson, James Ross, and William Simson, burgess of the said burgh of Edinburgh, being also personally present”, certain allegations are made in defence. The Provost and Baillies allege that “ they immediately after arrival of wines within this realm this year, set and made one price upon the same, after trial and consideration also tane be them how they were first bought, and thereafter proclaimed the same, conform to the Act of Parliamento made by King James.V of worthy memory, like as they, conform to the command of the said letters, concurred and assisted the said Jeremy in visiting, tastin and marking of the said wines, and made open and patent durris to that effect”. The owners of the wines for their part, allege that “ so meikle of their said wines as was marked by the said Jeremy were yet extant and remainig in sellars, ready to be delivered to the use and service of our Sovereign Lord”. The Lords are not satisfied with these excuses, “ understanding the same Act to be contravened and not observed and kept be said provest and baillies, in so far as, after the alleged prices made by them, a great part of the said wines were sold before our Sovereign Lord and his nobility was first staikit, express contrare the tennour of the said Act, as also that the command of the said letters was not obeyed, in that concurrance was not given to the said provestr and baillies in the up taking and delivery of the said wines to the said Jeremy”. They note also “the corruption and abuse that now os cropping to throw liberty given to a grest multitude without controlling to sell and make prices of wines at their pleasure.” On the whole, “ albeit his Majesty has just cause to punishment conform to the said Acts”, yet he and the Coucil willing to be lenient, “ has after mature advise, deliberation, and consideration taking how wines or presently sold, thought good, concluded and orained that his Majesty and his nobility shall be answered of wines for the year upon the prices following; that is to say, the price of the ton of Berdeaux wine for fifty pounds, and the price of Hottopys bind for forty six pounds money of this realm; and ordains and commands the provost and baillies of Edinburgh and other borrows of this realm to concur, fortify, and assist our Sovereign Lords symleir in visiting, tasting and up taking of the said wines upon the prices foresaid, to be payed by his Majestys Comptroller upon the delivery and rest of the said symleiris ticket of the quantity taking up by him.”

P 195

Sederunt--Domini ut in die predicto

Stirling Castle 13th July caution for Lord Maxwell

Caution by John, Lord Maxwell, for himself as principal, and by Roger Kilpatrick of Closeburne, Robert Maxwell of Cowhill, and Mr Robet Douglas, Provost of Lincluden, as his sureities, that he will, within three days, “enter his person in ward within the town of



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Dundee, and remain therein and two miles about the same, "till duly liberated, under pain of 20,000 Merks

P269

Merchants in Edinburgh and other Burghs against Adam Fullerton

Complaint by John Provand, John Acheson, John Arnot, Robert Abercrombie, William Fairlie, David Williamson, William Nisbett, Archibald Johnstone, burgesses of Edinburgh, Andro Lamb, Andro Logan, John Dawson, Alexander Steven, Robert Watson, George Kerr, John Williamson, in Leith, David Endeoch of Aberdeen, Alexander Ramsay in Dundee, William Arnot in Crail, "and the remaining persons, burgesses within this realm, quhilk has had their goods reft and spuilyeit by "Englishmen" as follows---"Upon divers and sundry complaints mad by them to James Earl of Morton, Lord of Dalkeith, Regent for the time, two year since and one half of thereby, it was then ordained by him that the provost, baillies, and counsall of burgh of Edinburgh, with some others of the rest of the borrows, should convene themselves together and conclude what they thought best to be done toward the of redres, at the Queens Majesty and Counsall handis of England, of the supplis committed upon them and sundry others his Highness Lieges. Quhilks being convenient, it was thought most expedient by them that the said Regent should send and direct letters in their name to the queens Majesty and Counsall of England, desiring them to take order thairanent; and then they elected and chose Adam Fullerton, burges of Edinburgh, who was one merchant to pas thairwith (see vol. ii.p 707. Quhilk desire being thought reasonable by the said Earl of Morton, upon their suit, (he) directed the said Adam Fullerton, with his Highnesses letters, to suit and crave what order might be taken thairanent, and that redress might be had and made for the same; quhuha was dispatched away with all diligence, to the effect foresaid, upon the burrows expenses within this realm, and then there was presently delivered to him the sum of sic hundred pounds to be his expenses in the journey; where he has remained continually since, while that now lately, within thir six or seven weeks, that he has returned home. And true it is the said complainers yet has gotten no knowledge of his proceedings nor what is done in the said matter; albet, as his highness is informed, he has ressed divers and great sums of silver in money and penny worths, abone the sum or twenty thousand merks money of this realm, and is minded to give nor make no compt nor reckning thair of, to their great hurt."--The defender, Fullerton, having been summoned to answer the charge preferred against him, has appeared personally, with Robert Abercromby, Andro Lamb, Andro Logan, John Williamson, and David Endeoch, for the persuers; and the decree now is That Alexander Clerk, Provost of Edinburgh, and James Adamson, Burgess thereof, Mr Partick Whitelaw, and Diones Conquerour, burgesses of Perth or one of the two, Alexander Scrymgeour and Richard Blyth burgesses of Dundee, or one of them, George Elphinstone,



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Baillie of Glasgow, William Menzies, burgess of Aberdeen, Robert Alexander, burgess of Stirling, Mr David Russell, burgess of Sanctandros, and George Lockhart burgess of Ayr, shall meet at Edinburgh, upon the 9th March instant, for receiving the said Adan Fullerton's "charge, discharge, super expenses, and all others his comptis, and to allow, end, and perfite the same as accorde of reason, equity, and good comciance, as they will answer to god and our Sovereign Lord Thereupon."

P295. St. Andrews 29th July

Sederunt--- Jacobs, Comes de Morton; Joannes, Comes de Atholl, Joannes, Comes de Montrose; Andreas, Comes de Rothes; William, Dominus Ruthven; Allan, Dominus Cathcart; Comendatarius de Dunfermline; Comendatarius de Sanct Colmis Inche; Comendatarius de Pitenweem ; Clerk Registrar; Computorum Regulator

1. The words within brackets are supplied from a subsequent entry in the same business (*infra*, p. 353), the register being here defective.

'In the interval between the last meeting of the Council, at Dunnottar, on the 22nd of July, a General Assembly of the Kirk, the fortieth since the Reformation, had met at Dundee. To this Assembly the Earl of Lennox, the 14th day of July," beginning, "It is not, I think, unknown to you how it hath pleased God, of his infinite goodness to call me by his grace and mercy to the knowledge of my salvation, since my coming in this land" He then reminds the Assembly that he had publicly declared his conversion to Protestantism," first by my own mouth in the kirk of Edinburgh, and second by my hand-writ in the King's Kirk at Stirling, where I subscribed the Confession of Faith," He renders to the Assembly, however, "free and humble offer of due obedience" in anything farther that may be desired. One of his servants appeared in the same Assembly and abjured Roman Catholicism (Calderwood, iii 468, 469).

P303. Holyrood-house 8th September

Sederunt--Esme, Comes de Lennox; Hugo, comes de Eglintoun; William, Dominus Ruthven; Joannus , Dominus Hereys; Allan, Dominus Cathcart; Commander de Dunfermline; Commander, de Newbottill; commander de Sanct Colmis Inche, Commander de Pitenweem; Complaint-- against James Scrymgeour Constable of Dundee

Complaint of David Thomas George, and Henry Maxwell, sons of Alexander Maxwell of Tealing, as follows;-- On the 14th of august last, when they were attending the market at Dundee, Robert Scrymgeour, uncle of James Scrymgeour of Dudhope, with the servants of the said James, "set upon Walter Arnot, their cousin to the said complainers, as he was



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alone ganged upon the high street of the said burgh and cruelly wounded him in the head, to the great effusion of his blood; Quhilk so Some as the said complainers understood, they came to the said Walter and fearing lest that, by the fury of the people, and force of the said James servants and assisters, that convenient very thik upon all sides they should have disponit upon his very life, they thought it most expedient for declining of the present danger, that the said Walter should retire him to the some convenient place where he might be in suirtie till he were cured of his wound, and thereof conveyed him to the water side, and saw be but send him to the other side, that he might be harmless and skathless of the said James and his foresaid . Wherupon the said James, as constable and sheriff in that part, four days afore and four days after the said fury, alleging to have arrested the said Walter to his court for troubling of the fair has challenged the said complainers, as conveyers of the said Walter away, to present him away to the constable court, intending thereby to proceed against them, and saw to be both judge and party in their cause, the action being his own, and his domestic servants and near kinsmen being the authorities and procurators of the blood.

2--The said Scrymgeour, constable of Dundee, had been summoned to appear to hear the complainers exempted from his jurisdiction , and the case referred to the justice-general or some other "judge un suspect ", or else to show cause to the contrary; and now, "the said complainers compeirand be Mr Henry Balfour their procurator, and the said James Scrymgeour compeirand be Mr Thomas Craig his procurator," and parties having been heard, the Lords, " with consent of both the sais parties, appoints and ordains Mr John Graham and Alistair Bannatyne , as deputies to the constable, to sit in the tollbooth of Edinburgh, and to proceed and do justice in the said matter, conform to the laws of this realm, and discharges the said constable and all others his deputes of all proceedings against them in the said matter, and of their offices in that part."

P308

Complaint of the skippers, shipowners and mariners of Scotland

Complaint by "the , skippers, owners, masters and mariners of ships within this realm," as follows:-- The Commissioners of Borrows at their late convention within the burgh of Aberdeen, on their pretend manner, without any power or commission had from his Highness, has as his Majesty is informed, made one Act and Ordinance that all goods Quhilkis has been piloted in times bygone, at the least shall by piloted in times coming, by pirates, from the subjects of this realm, in their passing or returning to and from the same, recompensed by one universal scat and taxed, to be taken as well of the ship, and fraught as of the remained goods that shall happen to be left unpiloted within the same ships and vessels, thereupon to dispose at their pleasure, wrongly against all order and to that said complainers other work give remade by not provided , " It becomes the King and Council to



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provide such remedy, “in respect of the form in usurpation of his Majesty’s authority by the making of the said Act, seeing it cannot be denied that no subject of this realm ought to make any such acts; quhilk, in effect, is the establishing of one law without power or commission had from his Highness, and, give the same shall take effect and excution against the said complainers, it may induce a dangerous preparative in this commonwealth, to the great hurt of his Highness crown and estate royal”. Even if the commissioners had warrant from the King for what they have done, “as they have none” Yet, by law and practice, “ought the said complainers to have been lawfully warned, and their defences hard afore the making of the said Act;” which had not been done. “Attour”.

It is verity that, in times bygone, when their ships and goods were piloted they offered themselves ready to defend and withstand the pirates craving the assistance of the merchants to that effect, quhilk they utterly refused; exponent their throw not their own goods, but the said complainers goods and vessels, in prey to the enemy in their default.” For these reasons the complainers pray that the said Act may have no effect, but may suspended simplicity .--Charge to appear and answer the complaint had been given to the Commissioners of the burghs of Dundee, Montrose, Aberdeen, Kincardine, Forfar, Perth, Edinburgh, Leith, Cupar of Fife, and St Andrew, “ by open proclamation at the market cross of the said burrows, because their names and nowmer were unknown to the said complainers;” Mister Thomas Craig compeand personally , as procurator for certain of the skippers, masters and mariners indwellers within the towns of Dundee, Leith, Kinghorn, Burnisland, Kirkcaldy and Queensferry, specially constitute by their letters of procurator, and the said Commissioners of Burrows comperand be mister John sharp, their procurators, the Lords of Secret Counsale, understanding the said matter to be competent to their judgement, [remit] the same, therefore, to be decided be the judges competent thereto as accords of the law

P343 - Holyrood House 12th January.

Complaint of the provost and baillies, council and community of St. Andrews and of the commissary of the same and his clerk respecting the dismemberment of the commissary ship

“Anent our sovereign Lords letters raised at the intance of the provost, baillies, counsel, and community of the city of Sanctandros, Mister William Skene, commissar thereof, and Master David Russell, clerk of the said commissariat, makes mention that, where in the month of July last bypast, the said complainers being then credibly informed that the Lords of Session intended to dismanber the jurisdiction of the said commissariat by taking therefrom the bounds of Angus, Carse of Gowrie, and Bra thereof, being in two part of the said jurisdiction and more the meant themselves to our said Sovereign Lord and Lords of his Highness Secret Counsel by their supplication presented to that effect, exposing that, gif any



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such thing should take effect as was intended, it should redound to the other hardship of the hole inhabitants of the said city. Upon the quhilk supplication the said complainers obtain others [letters ?]

Charging the said Lords of Session to compeir before his highness and the said Lords of Secret Counsel at on certain day now of long time, to have hard order taken there anent as accorded , and discharging the said Lords of Session of all passing of any presentation in prejudice of the said complainers Quhill order sould be tane be them their anent as said is, as in the siad others letters and charge past thereupon at mor length if contented. Nonthless, by and desides the knowledge of his Highness and the said Lords of Secret Council, and of the said complainers, the said Lords of Session had past and granted the presentation in favour of Master Hercules Rollok of one new commiserate to be erected within the Burgh of Dundee, containing the said bounds of Angus, Carse of Gowrie, and Bra thereof; whereupon the said Mr Hercules, in time of vacans , has since obtenit his Highness gift and commission be sinister information tacita veritate, giving him power and jurisdiction to sit within the said burgh of Dundee within the hole boundaries abone-experemit; and by virtue their of intends to usurp the said pretended new erected jurisdiction, without his Highness and the said Lords of Secret council provide remade thereto. And, considering it is verity that, long before the impetrating of the said pretended presentation and commission foresaid following thereupon be the said Mister Hercules, the said Mister William Skene , commissar foresaid, and the said Mister David Russell, his clerk of court, were dwelling and lawfully provided to their said offices of the commissariat and clerkship of Sanctandros respective, within the bounds of the diocese of Sanctandros upon the north side of the Water of the Forth, whereof the bounds abone-written is one part, and in peaceable possession of using and exerting of their said offices be virtue of their said gights be the space of sixteen years last by past with the more, but impediment , neither the said commissar, nor his clerk foresaid, nor yet the inhabitants of the said city in whose favour the privilege of the said jurisdiction was granted from the beginning for their interest.

Being called to that effect. Wherefore of all equity and reason the said pretended presentation saw impetrate by the said Mister Hercules as said is, with pretended commission following and proceeding their upon, aught and sold be suspended simpliciter, and the said Mister Hercules, his pretended clerk, gif he any has, and members of court whatsoever, aught and should be inhibit and discharged from all using and exerting of the said commission in time coming. And anent the charge given to the said Mister Hercules Rollok, impetrator of the said pretended presentation, Mister William Baillie, president of the College of Justice, Alexander hay, clerk of Register, Mister Thomas Bannatyne, Adam Bishop of Orkney, Mister Makclyean of Cliftounhall , Alexander Dumbar, den of Murray, Sir Richard Maitland of Lethingtoun, knight, Patrick Vaus Barnbarroch, Mister Robert Pont,



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provost of the Trinity Colledge, William Douglas of Quhittingham, and James Meldrum of Segy, senators of the said Colledge of Justice, granters thereof, to have compared before our Sovereign Lord and Lords of Secret Council at a certain day by past, to have answered at the instance of the said complainers, that is to say the said Mister Hercules brought with him the said pretended presentation and commission foresaid, together with the said other letters, if any be, direct in fortification of the said gift, to have been seen and considered by his Highness and the said Lords of Secret council, and to have heard and seen the same, effect and strenght thereof, suspended simpliciter in all time coming, and the said Mister Hercules, his pretended clerk, if any were, and members of the court whatsoever, to have been inhibited and discharged from all using and exerting of the said pretended commission any time thereafter, like as at more length is content in the said letters. Quhilk being called upon the tenth day of January instant, and the said Mister William Skene and David Russell compared personally for themselves and in name of the said provosts, baillies, council, and community of the said city of Sanctandros, and the said Mister Hercules Rollok compared also personally, and the said Mister William Baillie, Lord Provost, president, with certain others of the Colledge of Justice, being likewise personally present; who alleged that the presentation Whereupon followed the erection of the said commissariat within the Brugh of Dundee was dwelling, lawfully, and orderly given and directed by them, as having power and commission granted to them by our Sovereign Lords dearest father and mother to that effect; and notwithstanding, for the better resolution and satisfaction of his Majesty, the said Lords of his Privy Council in this behalf were content and craved that the matter might be remitted to the conference of certain of the said Lords of the Privy Council to be nominated and appointed by his Majesty and others of the like nowmer to be nominated by the said Lords of Session, and to be reported to his Highness and the said Lords of his Privy Council, to the effect they might then proceed as to them should seem most expedient and agreeable to reason and justice. Quhilks persons of equal nowmer of Privy Council being nominate and appointed as said is, and the said matter being at length and conferred upon them, at last is was reported to the said Lords of Privy Council this day, viz., the said Lords of Session has and had sufficient power be virtue of the said commission as well to place and displace the members as to alter the bounds of the said commiserate of Sanctandros; and notwithstanding, while the Kings Majesty may be better informed of such things as is requisite to be done for the will of the country, ease of the subjects, and the better administration of justice, were content, like as the said Lords of Secret Council all in one voice tem declares and orders, that the jurisdiction of the said commiserate of Sanctandros shall remain in the same estate that it is presently without alteration of any part of the bounds thereof, and that the presentation and commission granted to the said Mister Hercules Rollok thereupon, with all that has followed upon the same, shall cease and have no further effect nor execution in the meantime.”



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P451, Anent the supply of wines for his Majesty's Household

"The Kings Majesty understanding, be report of the officers of his Highness Household, how his Highness is not well provided of wines this present Year to the furnishing and sustentation of his said house,-- the owners of the wines differing to answer sample thereof to his Highness use as is necessarily required thereto, upon excuse of the want of payment for the wines reserved to his Majesty the last year, how be it his Majesty be his own mouth and by the declaration if his Master of Household and other special servants, has assured the provost, baillies and council of Edinburgh of good and thankful payment to be made for the said wines, as well restan award of the year bygone, as ot the wine now to be furnished to his Highness this present year possible provision may be made therefore,--and that the furnishing of his Highness house with wines is on matter so necessary as that it cannot be differed nor myslippinnit. Therefore our Sovereign Lord, with advise of the Lords Secret Council, ordains letters to command and charge the said provost, baillies and Council of Edinburgh, Dundee, Sanctandros and other towns qhere wines are arrived of shall happin to come in this present year, to cause ipen durris of the sellars and ships where wines presently ar of shall happen to be, to the effect that our Sovereign Lords samplers may taste, will and intromet with sample of the said wines to his Highness use as shall be thought necessary therefore this present year, and to carry and transport the same, upon thankful payment to be made therefore be such means as his Majesty, with advise of his Council, Promises to appoint and to cause be performed and satisfied,--that is, the payment of wines restand of the year bygone betwixt the date here and the Feast of Whitsunday next to come, and for the wines to be now reserved this present year within the space of year and day after the date hereof; and that the said provost, baillies, and council of the said burrows respective as this present ordinance put in execution within xxiiii hours next after they be charged thereto, as they will answer upon their obedienc at their uttermost charge and peril, with certification to them and they fail, commandment and direction shall be given others upon whom his Majesty pleases to put this present ordinance to due execution in all points.

P452. Holyrood House, 21st February

Commission to intromit with wines for the Kings use.

Notwithstanding the charge directed to the provost, baillies, and council or the burghs of Edinburgh, Dundee, St. Andrews , and other towns where wines have arrived ordaining them to allow his Majesty's "samplers" to intromit with so much of the said wines for the use of the King's household as should b thought necessary for the present year " the said provosts and baillies of the foresaid burrows has done, nether minds to do, any diligence for causing of his Highness to be furneist of the said wines of this present year; usand vane



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excuses, or rather refused our commandment in that behalf; quhairthrow his Majesty is likely to be myslippinnit of wines in their default, if sum other remade be not provided” Therefore, the King with advise of his Council, “gives and grants full power and commission, express bidding and charge, to his well beloved Mungo, Graham of Bathernis, Murray, younger of Tullybardin, James Chisholm of Crumlix his Majesty’s master householders, and Jeremy Bowy, his Highnesses sampler, to pass and make opinion durris of cellars and ships where wines presently are or shall happen to be, and taste, waill, and intromet with sample of the said wines to his Highnesses use as they shall think necessary therefore this present year,”-- payment to be made as ordered by the late Act. Letters are to be directed charging the provosts and baillies of the foresaid burghs and the lieges generally, “to concur fortify, and assist the said commissioners, conjunctly and severally, in the execution of the premises and to do not attempt nothing to their hindrance,” at their utmost peril.

P520

Petition of the community of Dundee that their burgh may exempt from taxes for five years Supplication by provost, baillies, council, and community of Dundee as follows;--It is nature” that their predecessors and themselves “have ever been true and obedient subjects to his highnesses predecessors and himself for defence ot this realm and the said burgh against foreign enemies, and have at all times, in wars and necessities. Opened themselves. Their life’s, lands, and leaving for the defence thereof, to their great wrack and herschip of their burgh, the kirk, tollbooth, stepill, almous house, and other common houses thereof diverse times brint and assin downs by England, and that for the repartitions of the same again at all times they have wodsett thier hole common good, by many sundry taxations made by themselves to the support thereof.

And likewise true it is that lately, in the last troubles, they, for defence of their said burgh against his Majesty’s enemies in the North for the time, have spent and wared their common good and rents that the samin are yet thirlit and not free, and yet nevertheless in the meantime have their tollbooth, almos houses, stepill, and shore, upon their great exhobitant expenses, to their great skaith and hurt, without any support of his Majesty and realm. And now at last their kirk, whereunto they resort and have access for hearing the word of God teachd, as so little and unease that they of necessity have begun to build one new work and kirk; and, they and their common good and rent being so far super expended and behind the hand, it is unable to them to perform the samin that they are constrained to mene to his Highness and the said Lords for some support thereto, it being so godly a work, tending to the glory of God and policy of this realm, specially in respect that, notwithstanding of all the premises done them and their predecessors in manner foresaid for defence of the realm and the said burgh, They never were suportive by his Majesty, but only things done upon their own charges and expenses as said is,--albeit his Highness and



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the said Lords at sundry times have supported and gratify the town of perth, who ar inferior to them in all respects in service done to his Mahesty and predecessors for the defence of the realm and otherwise, in granting them taxation of ten thousand merks for support of their brig, and their hole compositions in their last air to mend their common works” the prayer of the petitioners, accordingly, is that the King and Council will exempt them and their burgh from all taxations and imports for the next five years,--The King, with advise of his Council, acknowledging the good services of the people of Dundee, their heavy past expenditure , and their present necessity, grants the petition so far as to discharge the petitioners “of all payment of any taxations, stentis, and impositions that shall be impute upon them and their said burgh for the space of five years next to come except such taxations as shall be appointed and ordained to be uplifted for sending ambassadors for furthering of his Highness marriage, to the payment of their part whereof they shall be always subject.” Proclamation to this effect is ordered at the market cross of Dundee and elsewhere as needed

P572. Edinburgh 4th June

On this day the King, rather against the will of Gowrie and the other Lords of the Ruthven raid, who had controlle him for the last nine months, left Edinburgh “to take a progress,” going first to Linlithgow. According to Calderwood (iii 713), the Earls of Mar, Angus, Bothwell, and Marischal accompanied him; and the next few entries are minutes of the proceedings of those of the Council who were left in Edinburgh, in his absence

Order to denounce the Earl of Crawford

Complaint of Margaret Erskine, Lady Ruthven, as follows;-

The King and council know that Adam Crichton, heir apparent of Ruthven, “having without all fear or reverence of his Majesty, not only interprets of besiege houses, raise fire, and ravishes women, but also, accompanying himself with sundry wicked persons bodin in fear of weir, searched and sought divers his good subjects, chased them for their slaughters , break up their houses, reft, spulyeit, and took away their money, evident, writes goods and gear,” had been, for non-appearance before the justice to underlie the law for those crimes, denounced rebel and out to the horn. As even after that he continued in “his wounded oppressions and tyranny,” it had please his Majesty to grant commission to certain persons to search seek, and take the said Adam wherever he may be apprehended, and to have transported and presented him to the captain, constable and peepers of the Castle in Dumbarton, there to have remained in sure firmance upon his own expenses while justice was ministered upon him.” commission, after great diligence and search, “at last he was taken, and kept in the house of Ruthven while opportunity might serve



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For his more sure transporting to the said castle, and his Highness, being earnest to see the said commission put in execution upon the said rebel, being so notable and offender, directed letters charging the provost and baillies of Dundee to have directed certain hagbuttars of the same burgh, with the Captain David Crichton, appointed for the better convoy of the said rebel to the said Castle². But meanwhile, on the 13th of March 1581, the said captain being then in Dundee for the purpose, “John Lindsay, brother to David, Earl of Crawford, Mr Archibald Cumming, James Beaton of Melgund, younger, Walter Scott of Quhitslaid, Gilbert Auchterlony, Thomas Bell in Leitsie, War Scott of Quhitpeill, Cristell Crichton, Henry Lauder, John Caruthers, brother of George Caruthers of Holmendis, servants and dependants to the said Earl, and diverse others his friends and dependants, to the number of fifty persons thereby, boding and weirlyke manner, of Special causing, sending, hounding out, command, reset, assistance, and ratihabitoun, come to the said house of Ruthven’s, wherein the said Adam, rebel, was kept for the time, and there in most treasonable manner rasiit fire, brint up the ysttis, schott, hurt, and wounded deadly Patrick Crichton, George Crichton, brother, and sundry gentlemen and others being in the said house in peril of their lifes, and masterfully reft and took the said Adam Crichton away, and transported him to the town of Dunkeld, where the said Earl remained for the time, in proud and manifest contempt of our Sovereign Lord, his authority and laws.” on complaint of this to the King and Council, other letters had been directed charging the Earl of Crawford to appear and answer, presenting and exhibiting his said servants and dependers and also the chief culprit an rebel; “at the calling whereof the said Earl promiittit to the Kings majesty that he should keep the said Adam in his company, and take such order with him as the said complainer and his tenants should be harmless and scathles of him thereafter; upon the quick promise forder execution of the said letters were stayed. Nevertheless, on the 10th May instant, “the said Adam Crichton accompanied with xii persons, hornaris, or thereby, bodin in fear of weir, come to the Bridgetown of Ruthven’s, and reft and violently took from the poor men, her tenants and servants, twenty horse and meiris, xxx ky and oxen, with all the rest of their movable goods, and has sitting down in their houses, remains therein, and has ejected and output the poor men furth of the salmon, Quhairthrow they are wrecked and made altogether unable to labour or occupy their lands”.--Charge having been given to the said David Earl of Crawford, again to appear and present the foresaid culprit under pain of rebellion, and “the said Margaret Erskine, Lady Ruthven, comprehend personally, and the said David Earl Crawford being off times called and not compeered, nor yet the said Adam Crichton being present and exhibit by him conform to the said charge,” the Lords order the Earl to be denounced and put to the horn,



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P583. Perth 27th July

Sederunt--Rege Presente---Colinu, Comes Ergadie; Robert, Comes de March; David, Comes De Crawford, Jacob, Comes de Glencairn; John, Comes de Montrose; Andrew, Comes de Rothes; William, comes de Gowrie; Jacob, Dominus de Down; Comendatarius de Dunfermline; Comendatarius de Newbottill ; Clerk Registrar; Prior de Blantire; Prepositus de Dundee; Clerks Justiciarie.

King's declaration of the truth and loyalty of the late Duke of Lennox, sith prohibition of all speeches or pasquils in his defimation

“Forsamekle as the King's majesty is credible informed and assuredly persuaded of the good and pleasant death of the Lord uncle? His Highness dearest cousen, Esme, Duke of Lennox, Earl of Dernly, Dalkeith, and Aubigny in the confession of the true and Christian religion professed by himself by the laws of the realm the first year of his reign, he also avowing himself unto the last hour of his mortal life a most humble and obedient subject to our Sovereign Lord and his authority, notwithstanding the calumpys and untrue narration made and divulged, aswell by speeches as by famous libels both in write and print, in prose and rhyme, to the contraire, very offensive to his Highness mind and ears, and most prejudicial to the honour, good fame, and reputation of his said uncle? dearest cousin in his lifetime: Therefore his Majesty, with the advise of the Lords of Secret Council, that none pretend ignorance of the same, and to command and charge all and sundry his Highness lieges, that none of them take upon hand to speak, write, declaim, and set out, in books, ballets, casuals, or cartells, in write or print, in prose or rhyme privately or openly in any public place, and slanderous speech, reproach or calumny against the honour, good fame and reputation of the said uncle the Duke of Lennox, his profession of true religion, and loyalty toward our Sovereign Lord and his estate. And, give any of his Highness's subjects has any of the said books, ballets, cartells, rhymes, of famous libels in their hands, that they present yje same to the Kings Majesty, or utterly destroy and suppress them presently with all possible diligence after publication hereof probably may come to their knowledge, and in time coming how sone they see the same, under the pain of deed: Certifying all and whatsoever persons in whose hands any of the said books, ballets, cartells, casuals, rhymes or famous libels, shall happen to be found that they shall be repute, estimate, called, persued as the authorities thereof, and puniest thereof with all rigour in example of others. And this his Highness declaration of the sincere truth and state of the said materials, as they have been and is indeed the King's Majesty, with advise of the Lords of Secret Council, has thought most expedient to publish and divulgate, for confirming of the truth and effect of his Highnesses declaration made by him in the parish kirk of Perth, and after notified by open proclamation at the market cross of the head burrows of the schryis of this realm, for



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defence and justification of the truth, honour, good fame, and reputation of the said uncle Duke of Lennox, quhilk has verily kythit indeed at his letter end and departing from this life to Gods mercy; leaving it always to the judgment and censure of all Godly honourable, and reasonable persons upon what sincere grounds and to what good and honest effects the authorities of such untruths and calumpnys ha so impudently and maliciously spoken and divulgat the same

P612

The sum of 2,000 merks advanced by the Burghs for the expenses of Lord Seton's embassy to France.

George, Lord Seton having been nominated his Majesty's ambassador to France (ante, p 604) "for whose transporting and hasty dispatch and expedition the commissioners of the burrows of Perth, Dundee, and Aberdeen for themselves and in the name of the remnant burrows of this realm, are content and has promoted to deburse , at his Majesty's earnest desire and request, the sum of two thousand merks for finessing of one ship with her mariners and equipage " on the condition "that the said sum shall be allowed and defalcate to the said burrows in the first taxation that hereafter shall be imposed and appointed to be uplifted of them," the King with advice of his Council, ordains that the said sum of 2,000 merks shall be so allowed to the burghs in the first payment of the next taxation.

Mr John Davidson thought their clerical brethren, Mr David Lindsay and Mr Andrew Hay, imprudent in acting as two of the commissioners for the Court in such a matter.

P655. Testimony that Douglas of LochLeven is abroad

"The Quhilk day Master David Lindsay produced one testimonial of the town of Ratchell, and likewise one testimonial of the skippers of the ship quhiarintill the Laird of Lochleven was transported to the parts beyond sea and landed in Rotchell, and one instrument tane in the common clerks hand of Dundee of his embarking in the said ship; after production whereof the King's Majesty and Lords of Secret Council ordered the of the Register to retain them in his custody and keeping while he should receive further directions of his Majesty and the said Lords of Secret Council"

P751

Act 1585-87 Removal of the cunyiehouse to Dundee

In consequence of the Plague in Edinburgh, order to "the general and master of his Highness cunyiehouse to transport the same, and all officers furniture, work looms, and necessaries belonged thereto, from the burgh of Edinburgh to the town of Dundee, with all diligence, and there to enter and continue in cunyeing and working of gold and silver, and allayed money, according to the acts and warrants past there anent of before, altered the



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circumspection of the allayed pennies OPPIDUM DUNDEE for EDINBURGH, and eikand one rig within the letters, as they have already out with the same, whatever it shall happen the said money to be wrocht, and they cause prepair all necessary houses for working, straking and transporting of the officers and servants of the said house upon his Majesty's expenses." - the officers of the cunyiehouse to be "well used and entertained." in Dundee, and to enjoy all their privileges there, just as Edinburgh.

P760

For the Act of this Convention in full, entitled "band anent the true Religion," see the Acts of Parliament, vol iii pp. 423,424, --it begons "we the Nobility and Estates presently convened, understanding the course of the present proceedings in foreign parts and that divers princes potentates, terming themselves Catholics, have joined themselves under the popes authority in the most unchristian confederacy against the true Religion." It proceeds to assert the necessity of a contrary league among Protistant Powers, especially of a firm union between the two crowns of England and Scotland; it declares this last necessity to be too urgent to be "deffered to a more solemn conventions of the hole Estates in Parliament"; it expresses the nations trust in "the singular league offensive and defensive with Queen of England, and to nominate Commissioners to settle the specific articles with the English Queen's Commissioners promising on oath that those signing the present Band will ratify such articles by their consents in the Parliament, "without question or contradiction whatsoever," and will maintain them with their lives and estates. The Act concludes:--"It witness whereof, in present of his Highness, we have subscribed their presents with our hands at St.Andrews the last day of July," etc. The signatures are forty-two in number. That of "Arrane" comes first; there follows names of all the nobles, bishops, abbots, and others recorded as present in the Sederunt of the convention; but besides Arran, there are six additional signers not in the Sederunt, viz

The Master of Gray, the Commander of Dir, the lairds of Lundy, Braid, and Dun, and William Duncan, one of the commissioners of Dundee, Both in England and in Scotland. News of it had just reached St. Andrews, where the effect on James was such that he "shed tears like a newly beaten child" in the English ambassador's presence, "cast himself upon his bed, and tumbling upon it, said that it had not grieved his so much if ten thousand men had entered in the country and spoiled it to Edinburgh" (Letter of Wotton's to the English Secretary Walshingham, of date St.Andrews, July 29, given in abstract in English Calendar of Scottish State Papers, I. 502; with passage in Calderwood, iv.379) The reason of James's great discomposure ws that the accident had come just when all the arrangements for the League with England had been completed, and he had written to Elizabeth to express his delights in that fact, thank her for the pension of £5000 a year she had promised him, and beg the continuance of her favour. What aggravated the misfortune most was that the English



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ambassador Wotton had at once treated the affray and Lord Russell's death as no more accident, but a deliberate contrivance of the Laird of Fernihirst at the instigation of James's chief minister, Arran. In his first agony over this suspicion, James offered to send both Arran and Fernihirst into England to be tried (Wotton's Letters as above)

Copied by Grace Mann