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Register of Privy Council of Scotland

Dundee, Burgh of

Volume 3 - 1578-1585

Stirling Castle 20th Nov.

Caution for Scrymgeour of Dudhope.

P. 48

Walter Ramsay, burgess of Dundee having "made faith that he dread bodily harm to be done to him" by James Scrymgeour of Dudhope, Constable of Dundee, and Scrymgeour being personally present, the Lords order Scrymgeour, under pain of "one thousand merks," to find sufficient surety "that the said Walter shall be harmless and scaithles of him"

P. 51

Complaint by David Dunbar of Kynstary, as follows;--Thomas caddell in clunes, John Or in May, John Caddell, bastard son to uncle James Caddell in Clunes, John Caddell in Rorachie, Thomas Caddell in Flures, William Caddell his son, John Caddell in Archidoun, John Mason eldest son to Patrick Mason in Easter Kilrawok, Donald McFail in Archindoun, James Dempster in Caddell Alestair McBrabnar there, Pall McDonald Roy there, Nicoll Mason in Incheddell, Alexander Bane McFinlay there, Thomas Montgomery, in Monzeournane, George Montgomery in Brumehill, Donald McAwreoch in Caddell, John McAwreoch in Little Urchun, Alexander Gowanson, son to Uncle Alexander Gowanson that was hanged in Dundee, Alexander Roy McAgie in Caddell, Alexander Stewart there, John Stewart there, Patrick Cunningham, officer, John Caddell, brother to James Caddell in Forress, Thomas Chisholm, Fiddler in clunes, NicollMcGillefeddell there, Mathew McAndochie there, Alexander Moir McGillcreist there, John Dow McCuner in Caddell, Finlay McInreoch in Clunes, Nicoll McGillefeddell there, and John McGowandreis there, all servants and tenants to John Campbell of Caddell, accompanied with diverse others, their accomplices, with convocation of our Sovereign Lords, lately, upon the xx day of October last by past, off the special causing, devising, hounding, sending, art, partaking, command, assistance and rathbitatioun of the said John Campbell of Caddell their master, and Duncan Campbell of Boith, his father crother, come to the 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



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with Alexander Davidson and William Lyon, his servants. And there the said persons most Cruelly and unmercifully slew the said uncle 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 hi away with them to tower and fortress of Caddell, where they detained and yet detains him in captivity and prison continually since.” The complainer asserts that “ he is innocent of all crimes and offence that they may be impute to him, and for the better trial of his innocence he had found surety to the Justice Clerk and his deputies that he shall compeer before the Justice or his deputes the third day of next justice air of the sheriff dome of Elgin and Forress or Nairn, where he dwells, or sooner when of where it should please our Sovereign Lord upon xv days warning and underlie the laws for all crimes committed by him, or that he may laid to his charge, under the pains contented in the acts of Parliament, as at more length is contented in one act in the books if adjournall maid thereupon.”

Having made his complaint before the Lords of Council and Session, he had obtained letters charging his detainee’s to set him free within three days under pain of rebellion; and, on their disobedience, he had “caused denounce the said persons rebels and put them to the horn,” but with no effect. “ and say the said Dvid is detained captive, and our Sovereign Lords authority contempt, the detainees of him in captivity being denounced rebels and at the horn as said is, and yet daily hantand And repaired in his Highness’s house and company as if they were his Majesty’s frie legis” Hence his renewed complaint. In 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 appeared personally, and “presented and exhibited the said Dvid Dunbar before the said Lords, protesting, in respect thereof, that he might be relaxed from the process of horn led against him for non-putting 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 complacence letters are to pass charging the proper officers to “relax the said John 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 simplicity in time coming.

P.116 Stirling Castle 18th March

Complaint by sir William Murray of Tullibardin, Comptroller of the King’s household, as follows;- He had directed Jeremy Bowie, similar,

six persons, or three more than had been present five days ago. Six of the persons who had then been present, viz., the Earls of Eglinton and Mar, Lord Robert Stewart, the Archbishop of St. Andrews (Patrick Adamson), the Abbot of Culross, and the Abbot of Balmerinloch, are now



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absent; but the Earls of Atholl and Montrose, with the Lords Innermeath, Cathcart, and 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 Tullibardine) 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, Ochil tree, 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 the place always for the Earl of Morton. Although Argyle had for some time been back in the Council, co-operating with Morton, Atholl had hitherto kept to himself aloof, meditating a policy of his own, and his re-appearance now is significance. 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 Douglass's. The minute of the single proceeding of the convention this day indicates the policy that had been adopted by the new coalition of the Douglass's and the Stewarts, with Argyle, Montrose, and the rest, and especially the Erskine's of the House of Mar, concurring. It was to be action against the Hamilton's. 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 is she should die without issue, and who had been Regent of Scotland in her name from 1542 to 1554, the heads of the great Hamilton family had been his four sons - James third Earl of Arran, and the Lords John, David, and Claud Hamilton. The first of these, who had been talked of as a husband both for Elizabeth of England and Mary, and was living in retirement under the charge of his mother, the widowed duchess of Chatekherault; so 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 or Commendator of Arbroath, and Lord Claud, who was Abbot or Commendator of Paisley. Bothe of these, with their father and their relative the Earl of Huntley, ha been active leaders in the civil war, and in all the movements and conspiracies, for the Queen Mary through the Regencies of Moray, Lennox, and Mar 91567-1572) and had been forfeited in consequence; but the great " Pacification of Perth, " of February 3rd, 1573-4, by which Morton signalled the beginning of his Regency, and the contracting parties in which were expressly Morton's government, on one hand, and Huntley, and Lord John Hamilton, for himself, his brother Claud and the rest of the Hamilton's, 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 Huntley, at the head of a long list



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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 a persons who might again be dangerous, on account 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 re-open proceedings against them and the Hamilton's generally; and the present order respecting Lord Claud Hamilton's rights in the rich Abbey or Commendatorship of Paisley was the first step.

With letters of Commission for visiting, and tasting, and up taking of wines to the furnishing of his Majesty's house upon reasonable prices, commanding the provost's and baillies of all burrows and towns where wines arrive and remains to concur fortify, and assist to the said Jeremy in execution of the said commission, as they would answer upon their charge and peril; in quhilk commission power given to make open doors of lock fast houses and lumes in whatsoever burrows and to search all ships in whatsoever havens or harbours, and use our Sovereign Lords keys to that effect, for tasting, varying, and up taking of so muckle wines as necessarily will sustain his Highness's house in manner foresaid upon reasonable prices." Although there had been due proclamation in Edinburgh, Dundee, and Leith, "nevertheless James Hucheson, burges of the burgh of Edinburgh, and George Spence, burges of Dundee, refused to open their cellar doors to the said Jeremy," while certain persons in Edinburgh and Dundee, "after he had seen, tasted, and marked sum of their wines to his Highness's use, would not suffer him intromit therewith, and transport the same without present payment or obligation to short days for greater prices then wines are communally sole for within the said burrows, puttand his Majesty thereby in were cause nor his subjects; saw that his Highness's cannot be furnished of wines this year nor in time coming without times remade be provided" The offenders in Edinburgh, in addition to the aforesaid Hucheson, were " William Simson, William Paterson, John Morrison, John Jackson, James Ross, John Fairlie, and sundry others burgesses;" those in Dundee, in addition to the aforesaid Spence, were "James Fleuchar, Peter Clahills, John Finlayson, and William Henry." But the Provosts and Baillies of both towns were also to blames. When applied to by Jeremy, they had answered that "they could compel none to deliver their gear from them without assurance for payment thereof." Accordingly, all parties in Edinburgh had been summoned; and now "the said Sir William Murray compeer and personally, and the said Archibald Stewart, provost, Robert Kerr, Gilbert Dick, and Richard Abercrombie, baillies, John Morrison, younger, James Hucheson, William paterson, John Jackson, James Ross, and William Simson, burgesses 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 the arrival of wines within this realm this year , set and made one price upon the same after trial



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and consideration also taken by them how were first bought, and thereafter proclaimed the same conform to the Act of Parliament made by King James the 5th of worthy memory, like as they conform to the command of the said letters, concurred and assisted the said Jeremy in Visiting, tasting and marking of the said wines, and made open and patent doors to that effect,” The owners of the wines, for their part, allege that “so muckle of their said wines was marked by the said Jeremy were yet extant and remaining in cellars, 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 by the said provost 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 staked, express contraire the tennour of the said Act, as also that the command of the said letters was not obeyed, in that concurrence was not given by the said provost 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 is cropping in throw liberty given to a great multitude without controlling to sell and make prices of wines at their pleasure.” On the whole, “all be it his Majesty has just cause to use punishment conform to the said Acts,” yet he and the Council, willing to be lenient, “ has after mature advise, deliberation, and consideration taking how wines are presently sold thought good, concluded and ordered that his Majesty and his nobility shall be answered of wines for this year upon the prices following; that is to say, the price of the tun of Bordeaux wine for fifty pounds, and the price of Hottopys bind for forty sic pounds of this realm; and orders and commands the provost and baillies of Edinburgh and other burrows of this realm to concur, fortify and assist our Sovereign Lords similar in visiting tasting and up taking of the said wines upon the prices foresaid, to be paid by his Majesty’s Comptroller upon the delivery and rest of the said similar ticket of the quantity taking up by him.”

P. 195 Stirling Castle 13th July, Caution for Maxwell

Caution by John, Lord Maxwell, for himself as principal, and by Roger Kilpatrick of Colesburn, Robert Maxwell o Cowhill, and Mr Robert Douglas, Provost of , as his sureties. That he will within three days, “enter his person in ward within the town of Dundee, and remain therein and two miles about the same,” till duly liberated, under pain of 20,000 merks.

P. 269

Merchants in Edinburgh and other Burghs against Adam Fullerton

Complaint by Mr John Provand, John Acheson, John Arnot, Robert Abercrombie, William Fairlie, David Williamson, William Nesbitt, Archibald Johnston, burgesses of Edinburgh, Andro Lamb, Andro Logan, John Dawson, Alexander Steven, Robert Watson, George Kerr, John Williamson, in Leith, David Endeoch, burges of Aberdeen, John Thomson in St. Andrews, Alexander Ramsay in



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Dundee, William Arnot in Crail, “and the remained persons, burgesses within this realm, quhilk has had their goods reft and spilt by English men,” as follows;-- Upon diverse and sundry complaints made by them to James, Earl of Morton, Lord of Dalkeith, Regent for the time, two year since and one half or thereby, it was then ordained by him that the provost, baillies, and counsel of Edinburgh, with the some of the rest of the burrows, should convene themselves together, and conclude what they thought best to be done toward the suiting of redres, at the Queens Majesty and Counsels hands of England, of the squilyeis committed upon them and sundry others his Highness’s lieges. Quhilis being convened, it was thought most expedient by them that the said Regent should sen direct letters in their name to the Queen’s Majesty and Counsel of England, desiring them to take order there anent; and then they elected and chose Adam Fullerton, burgess of Edinburgh. Who was one merchant, to pass therewith. Quhilk desire being thought reasonable by the said Earl of Morton, upon their suit [he] directed the said Adam Fullarton, with his Highness’s letters, to Suit and crave what ordor might be taking, and that redres might be had and made for the same, upon the burrows expenses within this realm, and 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 larely, within there six of seven oulkis, that he has returned home And true it is that the said complainers yet has gotten no knowledge of his proceedings, nor has resaved diverse and great sums of silver in money and penny worth’s, above the sum of Twenty thousand merks money of this realm, and is minded to give nor make no compt nor reckoning thereof, to their great hurt.” The defender, Fullerton, having been summoned to answer the charge preferred against him has appeared personally, with Robert Abercrombie, Andro Lamb, Andro Logan, John Williamson, and David Endeoch, for the pursuers; and the decree now is that Alexander Clerk, provost of Edinburgh, and James Adamson, burgess thereof, Mr Patrick Whitelaw, and Diones Conqueror , burgess of Perth or one of the two, Alexander Scrymgeour and Richard Blyth, burgesses of Dundee, or one of them, George Elphingstone, baillie of Glasgow William Menzies, burgess of Aberdeen, Robert Alexander, burgess of Stirling, Mr David Russell, burgess of St Andrews, and George Lockhart, burgess of ayr, shall meet at Edinburgh, upon the 9th of March instant, for receiving the said Adam Fullerton’s “charge discharge, super expenses, and all others his compts, and to allow, end, and perfite the same as accords of reason, equity, and good consequence, as they will answer to God and our Sovereign Lord thereupon.

P. 289

21st of May last having been assigned to John Johnston of that Ilk “for proving of the break of one assurance on the part of John, Lord Maxwell “but there having been “no counsel the same day nor sundry days thereafter,” the matter is ordered to come before the Privy Counsel at St. Andrews



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P. 295 St Andrew 29th July

Sederunt – Jacob, Comes de Morton; John, Comes de Atholl, John, Comes de Montrose; Andreas, Comes de Rothas; William, Dominus Ruthven; Allan, Dominus Cathcart; Comendatarius de Dunfermline; Comendatarius de Sanct Colmis Inche; Comendatarius de Pitenweem; Clerk Registrar; Computorum Rotulator.

1 the words within brackets are supplied from entry in the same business the Register being here defective.

2 In the interval between the last meeting of the Council, at Dunnottar , on the 22nd June, and the meeting at St. Andrews on the 27th of July, a General Assembly of the Kirk, the fortieth since the reformation, had met at Dundee. To this Assembly the Earl of Lennox had sent a letter, dated “from St Andrews, 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 further that may be desired. One of his servants appeared in the same Assembly and signed Roman Catholicism (Calderwood, iii 468, 469)

P.303 Holyrood House 8th September

Sederunt---Esme, comes de Lennox; Hugo, Comes de Ellington, William, Dominus Henry Allan, Dominus Cathcart; Comendatarius de Dunfermline; Comendatarius de Newbottill;; Comendatarius 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 of Dundee, Robert Scrymgeour, uncl 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 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 come th the said Walter and , fearing least that, by the fury of the people, and force of the said James servants and assisters, that conveyed very thick upon all sides, they should have disponed upon his life, they thought it most expedient for declining of the present danger, that the said Walter should retire hi to some convenient place where he might bi in surety till he were cured of his wound, and therefore conveyed him to the water side, by boat send him to the other side, that he might there be harmless and skaithless of the said James and his foresaid. Whereupon the said James as constable and sheriff in that part, four days afore and four days after the said fury, allegedly to



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have arrested the said Walter to his court fro troubling of the fair, has challenged the said complainers, as conveyers of the said Walter away, to present him again 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 domestic savants and near kinsmen being authors and procurers of the blood."---The said Scrymgeour, constable of Dundee, had been summoned to appear the complainers exempted from his jurisdiction, and the case referred to the justice-general of some other "judge unsuspect, " or else to show cause to the contrary; and now, "the said complainers comprehend by Mr Henry Balfour their procurator, and the said James Scrymgeour comprehend by Mr Thomas Craig his procurator," and parties having been heard, the Lords, "with consent of both the said parties, appoints and orders Mr John Graham and Alistair Bannatyne, as deputies to the said constable, to sit in the Toolbooth of Edinburgh and to proceed and do justice in the said matter, conform to the laws of this realm, and discharge against them in the said matter, and of their offices in that part

P.303

Complaint by "the skippers, owners, masters and mariners, within this realm," as follows;-- The Commissioners of Burrows at their late convention within the burgh of Aberdeen, on their pretended manner, without any power or commission had from his Highness, has, as his Majesty is informed, made one Act and Ordinance that all goods quhilks has been pillaged in times bygone, at the least that shall be pillaged in times coming, by pirates, from subjects of this realm, in their passing or returning to and from the same, shall be recompensed by one universal scatt and taxed, to be alsweill of the ship and fraught as of the remained goods that shall happen to be left unpillaged within the same ship; minding hereupon to cause appraise their ships and vessels and thereupon to dispose at their pleasure, wrongfully against all order, and to the said complainers other work gif remade be not provided," It becomes the King and Council to provide such remedy, " in respect of the form, in usurpation of his Majesty's authority by the making of the Act, seeing it can not 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 if the same shall take effect and execution against the said complainers, it may induce a dangerous preparative in this commonwealth, to the great hurt of his Highness vrown 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 pillaged, they offered themselves ready to defend and withstand the pirates, craving the assistance of the merchants to that effect, quhilk they utterly refused; expended there throw not only their own goods, but the said complainers goods and vessels, in prey to the enemy in their default." For these reasons



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the complainers pray that the said Act may have no effect, but may be suspended and discharged simpliciter,-- charge to appear and answer complaint had been given to the Commissioners of the burghs of Dundee, Montrose, Aberdeen, Kincardine, Forfar, Perth, Edinburgh Leith, Cupar of fife, and St Andrews, “ by open proclamation at the mercat cross of the said burrows, because their names and number were unknown to the said complainers;” and now, “ Mister Thomas Craig comprehend personally, as procurator for certain of the skippers, masters, and mariners within the towns of Dundee, Leith, Kinghorne, Burnt Island, Kirkcaldy and Queensferry, specially constitute by their letters of procurator , and the said Commissioners of Burrows comprehend by Mister John sharp, their procurator , the Lords of Secret council, understanding the said matter not to be competent to their judgement, [remit] the same, therefore, to be decided to the judges competent thereto as accords of the law

P.451

Anent the supply of wines for his Majesty’s household

“The King’s Majesty understanding, by the report of the officials of his Highness house, how his Highness is not well provided of wines this present year to the furnishing and sustentation of his said house ;- the answers of the wines differing to answer and deliver 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, by his own mouth and be the declaration of his Master of Household and other special servants, he assured the provost, baillies and council of Edinburgh of good and thankful payment to be made for the said wines, as well rested award of the year bygone, as of the wine now to be furnished to his Highness this present year how some possibly provision may be made therefore,-and that the furnishing of hus Highness house with wines is one matter necessary as that it cannot be differed nor myslippinit; Therefore our Sovereign Lord, with advise of the Lords of Secret Council , orders letters to be direct to command and charge the said provost, baillies and councils of Edinburgh, Dundee, St Andrews, and other towns where wines are arrived or shall happen to come in this present year, to cause make open doors of the cellars of the sellars and ships where wines presently are or shall happen to be, to the effect that our Sovereign Lords samplers may taste, will, and intermit with sample of the said wines to his Highness use shall be thought necessary therefore this present year, and to carry and transport the same, upon thankful payment to be made therefore by 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 the wines rest of the year bygone betwixt the date hereof 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 see this present ordinance put in execution within xx iiii hours next after they be charged thereto, as they will answer upon their obedience at their uttermost charge and



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peril, with certification to them, and they failed, commandment and direction shall be given to others whom his Majesty pleases to put this present ordinance to due execution in all points

Complaint by Colonel, earl of argyle, as follows:--" Captains David Crichton, James Bruce, and William Scrymgeour, alleging that his Highness has assigned to them, for payment of their soldiers for their wages, diverse sums of money alleged rested awand by the sheriffs benefit men, and others, contented in their assignations for their parts of the last taxation of forty thousand pounds, has obtained letters, and therewith has caused the said complainer to make payment thereof within three days next after the charge, under pain of rebellion, and intends to put him to the horn,--most wrongly, considering the said complainer was never of before charged, not yet and stent roll delivered to him and the leters are general, nit specified how muckle he is added into; the said charge upon three days being so short that it is impossible to him to show within that space his obedience. Attoure, if the said complainer is anywise by added in the said taxation, the same is only as sheriff of the sheriff dome of Tabet; quhilk has never been in use paying any taxation or contribution in any Kings time of before; you scarcely will pay their own few males, --the said hole lands, at the least for the most part, never being stentit nor retourit , you the most part of the same bruikit but seeing or evident; and the farthest the said complainer can be addettit into is bought only to do his diligence. Quhilk he has done already; viz., upon letters impetrate by him of his Highness and the said Lords of Sevret council, he has caused charge the freeholders, under the pain of rebellion, to make payment, like as also he would have caused poind their readiest goods and gear for the same,--quhilk they would not suffer, as the executions thereof showing to his Highness and his Secret Council bears, and, as to the denunciation of them to the horn, the said complainer has differed the some unto time he knew his Highness and Lordships minds thereinto, in respect of the great inconvenience and impunity of all crimes that may follow in case such persons pass to the horn. Quhilk nevertheless, in case his Highness and the said Lords think expedient, he shall cause be execute with all diligence; and further he can not be astrictit of law nor equity." On these grounds he prays suspension of the letters of horning against him.--the three captains having been summoned, and "the said colonel, earl of Argylr, comprehend personally, and the said Captains James Bruce and William Scrymgeour comprehend also personally for themselves and all in the name of the said Captain David Crichton ," the decision is;--Orders the said Colonel, Earl of Argyle, to make payment of the sums wherewith he is charged for the taxation of the said sheriff dome of Tabet betwixt the date hereof and the twenty day of April next to come, or else to report letters dewlie execute and indorsed upon the barrons, freeholders and others, added in payment thereof for his relief upon the same day, to the effect further order may be taken here anent as appertains ; and in the meantime suspends, as before, the foresaid letters purchased by the said captains against the Earl."

Copied by Grace Mann.



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