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THE ACTS
 MADE IN
 THE SECOND
 PARLIAMENT
 OF OUR MOST HIGH AND
 DREAD SOVERAIGNE
 CHARLES,

By the grace of God King of Scotland, England,
 France and Ireland, Defender of the Faith, &c.

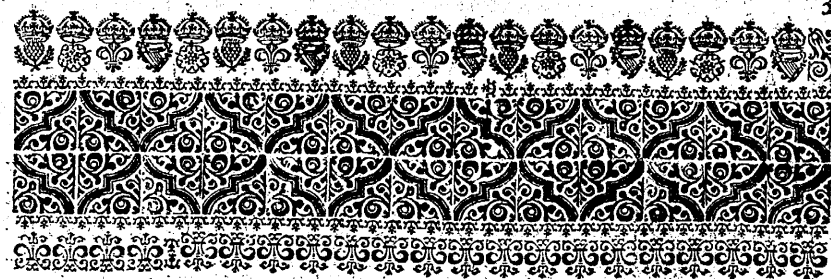
Holden at Edinburgh in the severall Sessions
 thereof, according to the dates
 therein mentioned.

*Acts past and done in this present Session of Parlia-
 ment, the eleventh of June 1640.*



EDINBURGH,
 Printed by Robert Young and Evan Tyler, Printers to
 the Kings most excellent MAJESTIE.
 ANNO 1641.

Cum Privilegio Regie Majestatis.



ACTS

PAST AND DONE IN THIS PRESENT
Session of PARLIAMENT, the eleventh
of June 1640.

ACT I.

ACT ANENT THE CHOOSING OF
Robert Lord Burghlie to be President in this Court and
Session of Parliament, in respect of the absence of
the Kings Commissioner.



THE Estates of Parliament presently convened by His Majesties speciall authoritie, Considering, that in respect of the absence of His Majesties Commissioner, they are necessitate to make choyse of one of their number to be President in this present Session of Parliament, And understanding the sufficiencie of *Robert Lord Burghlie* for that charge, They all in one voice, with one consent, did nominate, elect and choose the said *Robert Lord Burghlie*, to be President, and to proceed in this present Session and Court of Parliament, for discussing and handling of the matters to be determinat therein.

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ACT II.

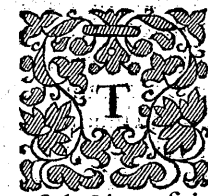
ACT II.
ACT ANENT THE CONSTITUTION
Of the Parliament, and all subsequent Parliaments.



THE Estates of Parliament presently convened by His Majesties speciall authoritie, Considering that this present Parliament was indicted by His Majesty, for ratifying of such Acts as should be concluded in the late Assemblie of the Kirk, for determining all Civill matters, and setting all such things as may conduce to the publick good, and peace of this Kirk and Kingdome, And considering the severall complaints of this Kirk unto Parliaments from time to time, proceeding from her continuall experience of prejudice and ruine, through many persons, and specially of Prelates their attempting to voyce or do any thing in name of the Kirk, without either bearing Office in the Kirk, or having commission from the Kirk, And the Acts of the late Generall Assemblie, condemning the office of Bishops, Archbishops, and other Prelates, and the civil places and power of Kirkmen, as their voycing and ryding in Parliament, and craving the abolishing of these Acts of Parliament, which grants to the Kirk or Kirkmen vote in Parliament, to be abrogate, as prejudiciall to her Liberties, and incompatible with her spirituall nature; Considering also that there are convened in this present Parliament, by His Majesties speciall indiction, warrant, and authoritie, the Nobilitie, Barons, and Burgeses, the Estates of this Kingdome, who have a full and undoubted power to proceed and determine in all matters concerning the publick good of this Kingdome, and that notwithstanding of the absence of the Prelates, who by former Lawes were appointed to bee members of Parliament: And to the effect none presume to move any question thereanent, The saids Estates now convened, as said is, have declared, and by these presents declares this present Parliament holden by the Nobilitie, Barons, and Burgeses, and their Commissioners, the true Estates of this Kingdome, to be a complete and perfect Parliament, and to have the same power, authority and jurisdiction, as absolutely and fully, as any Parliament formerly hath had within this Kingdome in time by gone, And ordaines all Parliaments hereafter, to be so constituted, and to consist onely in all time coming, of the Noblemen, Barons, and Burgeses, as the members and three Estates of Parliament: And rescindes and annulls all former Lawes & Acts of Parliament, made in favours of whatsoever Bishops, Archbishops, Abbots, Pryors, or other Prelates or Churchmen whatsoever, for their ryding, sitting, or voycing in Parliament, either as Churchmen, or the Clergie, or in name of the Church, or as representing the Church, as an State or member of Parliament, by reason of their Ecclesiasticall Offices, Titles, Dignities, or Benefices, and namely, the 231. Act, Parl. 15. K. Ja. 6. 1597. anent the Kirk, and specially parsons and prelates, representing the third Estate, and the 2. Act Parl. 18. K. Ja. 6. 1606. anent the restitution of the estate of Bishops, and their

their representing the third Estate, with all Acts and Constitutions of Convention, Councell, or Session, and all practises and customes whatsoever, in so far as the same or any clause thereof, tends or may be extended to the effect foresaid, as being found and declared prejudiciall to the Libertie of this Kirk and Kingdome, and to the puritie of the true reformed Religion therein established. And prohibites all persons whatsoever, to call in question the authoritie of this present Parliament, upon whatsoever pretext, under the pain of treason.

ACT III.
ACT ANENT THE CHOOSING
of Committees out of every Estate.



THE Estates of Parliament presently convened, by vertue of His Majesties speciall authority, Considering that there have divers questions arisen in this present Parliament, anent the freedome of the Parliament, either to choose, or not to choose Committees for Articles, & when they resolve to choose anent the manner of election of them, & anent their use and power: By reason the same is not yet determined nor set down by any Acts of former Parliaments; for removing whereof, & avoyding the great prejudice which by experience they find will hereby redound to this Kingdome, and to the liberty, freedom & dignity of the supreme Courts of Parliament, They have thought it necessary that a solid Order be set down, as wel declaring the Liberty of the Parliament, in the manner of their proceedings by themselves alone, or by Committees for Articles, as prescribing the form and manner of the election of these Committees for Articles, and defining their use, power, and manner of proceeding to be observed in all times coming. AND THEREFORE have statute and declared, That according to the Liberty of all free Judicatories, anent their own preparatorie Committees; all subsequent Parliaments, may according to the importance of Affairs for the time, either choose, or not choose severall Committees for Articles, as they shall think expedient, And that any subsequent Parliaments making election of Committees for Articles, to prepare matters for them, shall proceed in manner following, To witt, That these of the Noblemen, shalbe named and chosen by the Noblemen themselves, out of their number. And by the Barons Commissioners of Shires by themselves out of their number; And the Burgeses, Commissioners of Burrowes by themselves out of their number. The names of the which persons so named and chosen out of every Estate, (not exceeding for every Committee, the number prescribed by the Act of Parliament, 1587.) being openly read and made known to the whole Estates sitting in plain Parliament; The said Estates having received any propositions (which are ever first to bee presented to themselves) by an Act, shall authorize the said persons with power to treat,

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treat, reason, and consult upon the expediencie or in expediencie of such Articles allanerlie as shalbe committed and recommended unto them by the Estates, and to set down such reasons and motives, as they can devise, whereby to inforce either the passing or rejecting of the same in Parliament, To be reported, with the said Articles, to the remanent of the said Estates assembled in Parliament, that they may deliberate and advise thereupon, and that after discussing of the reasons given in either for, or against the same, The said Estates may ordain such of the saids Articles as they find to deserve consideration to be formed and past as Articles to be voyced in plain Parliament. And in case it shall happen them to omit or forget to make report to the Estates, as said is, of any of the saids Articles, with their reasons for, or against the same, It shall be lawfull in that case to the in-givers of the saids Articles, to propone the same again in plain Parliament, that they may there be determined and decided. And farther, to the effect that the saids Estates may be in readines to receive all Articles which shall be given in and presented to the Parliament, and eitherto give answer thereunto themselves, if they shall think it expedient, or otherwise to recommend the same to the said Committee, to be digested by them, and reported, as said is. IT is thought fit and declared, That the rest of the Estates, by and beside these of the severall Committees to the Articles shall be holden continually to sit for receiving, advising, and discussing of all Articles, Propositions, Overtures, and Matters shall be presented to them from the beginning of the Parliament to the closure thereof. And such like, after all the saids Articles are past and discussd by the saids Estates in manner foresaid, That they shall take such a competent time as they shall think requisite, according to the number and importance of the Affaires in hand, To revise and consider the same again before the day of voycing, That they may be well and ripely advised thereanent.

ACT IV.
ACT ANENT THE RATIFICATION
Of the Acts of the Assembly.



THE Estates of Parliament presently convened by His Majesties speciall Authoritie, Ratifies, approves and perpetually confirms the Act of the Generall Assemblie holden at EDINBURGH in the moneth of August last by-past, made upon the seventeenth day of the said Moneth, and in the eighth Session of the said Assembly, intituled, Anent the six causes of our bygone evils, whereof the tenour followes. THE Kings Majestie having graciously declared, that it is His Royall will and pleasure, that all questions about Religion, and matters Ecclesiasticall, be determined by assemblies of the Kirk, having also by publick Proclamation indicted this Free Nationall Assembly, for settling the present distractions of this Kirk, and for establishing of

Act 4. OF KING CHARLES. 7

of a perfect peace against such divisions and dis-orders as have been fore displeasing to His Majestie, and grievous to all his good subjects. And now his Majesties Commissioner, John Earl of Traquaire, instructed and authorized with a full Commission, being present and sitting in this assembly, now fully convened and orderly constitute in all the members thereof: according to the order of this Kirk, having at large declared His Majesties zeal to the reformed Religion, and His Royall care and tender affection to this Kirk, where His Majestie had both His Birth and Baptisme, His great displeasure at the manifold distractions and divisions of this Kirk and Kingdom, and His desires to have all our wounds perfectly cured with a faire and fatherly hand; And although in the way approved by this Kirk, tryall hath been taken in former Assemblies before, from the Kirk Registers, to our full satisfaction, yet the Commissioners Grace making particular inquirie from the members of the Assembly, now solemnly convened, concerning the reall and true causes of so many and great evils, at this time past, had so fore troubled the peace of this Kirk and Kingdom, IT was represented to His Majesties Commissioner, by this Assembly, that, beside many other, the main and most materiall causes were, first the pressing of this Kirk by the prelates, with a Service book or book of Common prayer, without warrant or direction from the Kirk, and containing, beside the popish frame thereof, divers popish errors and ceremonies, and the seeds of manifold and grosse superstitions and idolatrie; With a book of Canons, without warrant or direction from the Generall Assembly, establishing a tyrannicall power over the Kirk, in the persons of the Bishops, and overthrowing the whole Discipline and Government of the Kirk by Assemblies; With a book of Consecration and Ordination, without warrant of authoritie Civill or Ecclesiasticall, appointing offices in the house of God, which are not warranted by the word of God, and repugnant to the Discipline and Acts of our Kirk; And with the High Commission, erected without the consent of this Kirk, subverting the jurisdiction and ordinary Judicatories of this Kirk, and giving to persons meerly Ecclesiasticall, the power of both swords, and to persons meerly civill, the power of the keyes and kirk censures. A second cause was the Articles of Perth, viz. the observation of Festivall dayes, kneeling at the Communion, Confirmation, Administration of the Sacraments in private places, which were brought in by a null Assembly, and are contrary to the Confession of Faith, as it was meant and subscribed, Anno 1580. and diverse times since, and to the order and constitution of this Kirk. Thirdly, the change of the Government of the Kirk, from the Assemblies of the Kirk, to the persons of some Kirkmen, usurping priority and power over their Brethren, by the way, and under the name of Episcopall Government, against the confession of Faith, 1580. against the order set down in the book of policie, and against the intention and constitutions of this Kirk from the beginning. Fourthly, the civill places and power of Kirkmen, their sitting in Session, Councell, and Exchequer, their ryding, sitting, and voycing in Parliament, and their sitting in the Bench as Justices of Peace, which according to the Constitutions of this

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this Kirk, are incompatible with their spirituall function, lift them up above their Brethren in worldly pomp, and doe tend to the hinderance of the Ministerie. Fifthly, the keeping and authorizing corrupt Assemblies at Linlithgow 1606. 1608. at Glasgow, 1610. at Aberdene 1616. at S. Andrewes 1617. at Pearth 1618. which are null and unlawfull, as being called and constitute quite contrary to the order and constitutions of this Kirk, received and practised ever since the Reformation of Religion, and withall labouring to introduce Novations into this Kirk, against the Order and Religion established. A sixth cause is, the want of lawfull and Free Generall Assemblies, rightly constitute of Pastours, Doctours, and Elders, yearely, or oftner, pro re nata, according to the Liberty of this Kirk, expressed in the book of policie, and acknowledged in the Act of Parliament 1592. after which, the whole Assembly, in one heart and voyce, did declare, that these and such other, proceeding from the neglect and breach of the Nationall Covenant of this Kirk and Kingdome, made anno 1580. have been indeede the true & main causes of all our evils and distractions, AND therefore ordain, according to the Constitutions of the Generall Assemblies of this Kirk, and upon the grounds respective above-specified, That the foresaid Service-book, books of Canons, and Ordination, and the High Commission, be still rejected, That the articles of Pearth be no more practised, That Episcopall government, the civill places and power of Kirkmen, bee holden still as unlawfull in this Kirk, That the above-named pretended assemblies at Linlithgow 1606. 1608. at Glasgow 1610. at Aberdene 1616. at S. Andrewes 1617. at Pearth 1618. be hereafter accounted as null, and of none effect, and that for preservation of Religion, and preventing all such evils in time comming, Generall Assemblies rightly constitute, as the proper and competent Judge of all matters Ecclesiasticall, hereafter be kept yearely, and oftner pro re nata, as occasion and necessitie shall require (The necessitie of these occasionall Assemblies being first remonstrate to His Majestie by humble supplication) As also that Kirk Sessions, Presbyteries, and Synodal Assemblies, be constitute and observed according to the Order of this Kirk; Which Act, with all and sundrie the particular heads, clauses, and articles therein contained, The Estates now convened by His Majesties indiction, warrant and authoritie foresaid, Ratifies, approves, and confirms in all points, in manner as the same reports; And gives thereunto the strength of a Law and Act of Parliament, and ordaines execution to passe thereupon as effects; And rescindes, casses, and annulls all Acts and Decrees of Parliament and Councell formerly made, contrair and in prejudice of the said Act, or any part thereof.

ACT V.

Act 3 OF KING CHARLES.

ACT V. ANENT THE RATIFICATION Of the Covenant, and of the Assemblies supplication. Act of Councell, and Act of Assemblies concerning the Covenant.

THE Estates of Parliament presently convened by his Majesties speciall authoritie, considering the supplication of the Generall Assembly at Edinburgh the 12. of August 1639. to his Majesties high Commissioner, & the Lords of His Majesties Honourable Privie Councell, and the Act of the Councell the 30. of August 1639. containing the answer of the said supplication, & the Act of the said General Assembly, ordaining by their Ecclesiasticall constitution, the subscription of the Confession of Faith & Covenant, mentioned in their Supplication, And withall having supplicated His Majestie to ratifie and enjoine the same by His Royall authoritie, under all civill paines, as tending to the glorie of God, preservation of Religion, the Kings Majesties honour, and the perfect peace of this Kirk and Kingdome, Do ratifie and approve the said supplication, Act of Councell, and Act of Assembly, and conforme thereto, Ordaines and commands the said Confession and Covenant, to be subscribed by all His Majesties Subjects, of what rank and qualitie soever, under all civill paines, And ordaines the said Supplication, Act of Councell, and Act of the Assembly, with the whole Confession and Covenant it selfe, to be insert and registrate in the Acts and books of Parliament, And also ordaines the same to be presented at the entrie of every Parliament, & before they proceed to any other Act, That the same bee publickly read and sworne by the whole members of Parliament, claiming voice therein, otherwise the refusers to subscribe and swear the same, shall have no place nor voice in Parliament. And such like ordaines all Judges, Magistrates, or other Officers of whatsoever place, rank or qualitie, and Ministers at their entrie, to sweare and subscribe the same Covenant, Whereof, and of the said Supplication, Act of Councell, and Act of the Assembly, the tenour followes, &c.

THE SUPPLICATION OF THE Generall Assembly convened at EDINBURGH the 12. of August 1639. to his Majesties high Commissioner, and the Lords of his Majesties Honourable Privie Councell.

WE the Generall Assembly, considering with all humble and thankfull acknowledgment, the many recent favours bestowed upon us by His Majestie, and that there resteth nothing for crowning of His Majesties incomparable goodness towards us, but that all the members of this Kirk and Kingdome be joyned in one and the same Confession and Covenant with God, with

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 with the Kings Majestie, and amongst our selves: And conceiving the main lett and impediment to this so good a work, and so much wished by all, to have been the Informations made to his Majestie, of our Intentions to shake off civill and duetifull obedience due to Sovereignty, and to diminish the Kings greatnes and authoritie, and being most willing and desirous to remove this and all such impediments which may hinder and impede so full and perfect an Union, and for clearing of our loyaltie, WEE in our own names, and in name of all the rest of the Subjects and Congregations whom we represent, do now in all humility represent to your Grace, His Majesties Commissioner, and the Lords of His Majesties most Honourable Privie Councell, and declares before God and the world, that we never had, nor have any thought of with-drawing our selves from that humble and duetifull obedience to his Majestie, and to his goverment, which by the descent and under the reigne of 107: Kings; is most chearfully acknowledged by us and our predecessours: and that we never had, nor have any intention nor desire to attempt any thing that may tend to the dishonour of God, or the diminution of the Kings greatnesse and authoritie: But on the contrary, acknowledging our quietnes, stabilitie and happines to depend upon the safery of the Kings Majesties Person, and maintenance of his greatnes and royall authoritie who is Gods Vice-gerent set over us, for the maintenance of Religion and ministracion of Justice, Wee have solemnly sworn and do sweare, not only our mutuall concurrence and assistance for the cause of Religion, and to the uttermost of our power, with our meanes and lives, to stand to the defence of our dread Sovereigne, his person and authority, in the preservation and defence of the true Religion, Liberties and Lawes of this Kirk and Kingdome, but also in every cause which may concerne his Majesties honour, shall according to the Lawes of this Kingdome, and the duties of good Subjects, concurre with our friends and followers in quiet manner, or in Armes, as we shalbe required of his Majestie, his Councell, or any having his authority. And therefore being most desirous to cleare our selves of all imputation of this kinde, and following the laudable example of our predecessours, 1589. do most humbly supplicate your Grace, his Majesties Commissioner, and the Lords of his Majesties most honourable Privie Councell, to injoyne by act of Councell, that this Confession and Covenant, which, as a testimony of our fidelity to GOD, and loyaltie to our King, wee have subscribed, be subscribed by all his Majesties Subjects, of what ranke and quality soever.

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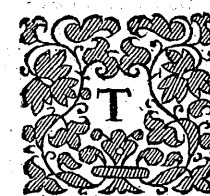
ACT 5. OF KING CHARLES. 11

THE ACT OF HIS MAJESTIES MOST Honourable Privie Councell at Edinburgh, August 30. Anno 1639. containing the answer of the Supplication above-written.



He which day in presence of the Lord Commissioner, and Lords of Privie Councell, compeired personally *John Earle of Rothes, James Earle of Montrose, John Lord Lowdown, Sir George Stirling of Keir Knight, Sir William Douglas of Cavers Knight, Sir Henry Wood of Bonytoun Knight, John Smyth Burgesse of Edinburgh, Mr. Robert Barclay Provost of Irwing, Mr. Alexander Henderson Minister at Edinburgh, and Master Archbald Johnston Clerk to the Generall Assembly, and in the name of the present sitting Generall Assembly, gave in to the Lord Commissioner and Lords of Privie Councell, the petition above written; which being read, heard, and considered by the saids Lords, they have ordained, and ordain the same to be insert and registrate in the bookes of Privie Councell, and according to the desire thereof, ordaines the said Confession and Covenant to be subscribed in time comming by all his Majesties Subjects of this Kingdome, of what rank and quality soever.*

THE ACT OF THE GENERALL ASSEMBLY, Ordaining by Ecclesiasticall authoritie, the subscription of the Confession of Faith and Covenant.



He Generall Assembly considering the great happinesse which may flow from a full and perfect Union of this Kirk and Kingdome, by joyning of all in one and the same Covenant with God, with the Kings Majestie, and amongst our selves, having by our great Oath declared the uprightnes and loyaltie of our intentions in all our proceedings, and having withall supplicated his Majesties high Commissioner, and the Lords of his Majesties honourable Privie Councell, to injoyne by Act of Councell, all the Lieges in time comming to subscribe the Confession of Faith and Covenant, which as a testimony of our fidelity to God, and loyaltie to our King, wee have subscribed; And seeing his Majesties high Commissioner, and the Lords of his Majesties honourable Privie Councell, have granted the desire of our Supplication, ordaining by civill authority, all his Majesties Lieges in time comming, to subscribe the foresaid Covenant, that our union may be the more full and perfect, We by our act and constitution Ecclesiasticall, doe approve the foresaid Covenant, in all the Heads and Clauses thereof, and ordaines of new, under all Ecclesiasticall censure, that all the Masters of Universities, Colledges, and Schooles, all Schollers at the passing of their

their degrees, all persons suspect of Papistry, or any other error; and finally, all the members of this Kirk and Kingdome, subscribe the same, with these words prefixed to their subscription: *The Article of this Covenant, which was at the first subscription referred to the determination of the generall Assembly, being determined. And thereby the Five Articles of Perth, the government of the Kirk by Bishops, the civill places and power of Kirke-men, upon the reasons and grounds contained in the acts of the Generall Assembly, declared to be unlawfull within this Kirk, wee subscribe according to the determination foresaid.* And ordaines the Covenant, with this declaration, to be insert in the Registers of the Assemblies of this Kirk, Generall, Provinciaill, and Presbyteriall, *ad perpetuam memoriam*, and in all humility supplicates his Majesties high commissioner, and the honourable Estates of Parliament, by their authority, to ratifie and injoyne the same, under all civill paines, which will tend to the glory of God, preservation of Religion, the Kings Majesties honour, and perfect peace of this Kirk and Kingdome.

The Confession of Faith, subscribed at first by the Kings Majestie and his Houshold, in the yeare of God 1580. Thereafter by Persons of all rankes, in the yeare 1581. By ordinance of the Lords of the secret Councell, and acts of the Generall Assembly. Subscribed again by all sorts of Persons in the yeare 1590. By a new ordinance of Councell, at the desire of the Generall Assembly: with a generall Band for maintenance of the true Religion, and the Kings Person. And subscribed in the yeare 1638. By Us, Noblemen, Barons, Gentlemen, Burgeses, Ministers, and Commons, then under subscribing: Together with our resolution and promises for the causes after specified, to maintaine the said true Religion, and the Kings Majestie, according to the Confession foresaid, and acts of Parliament. And now, upon the Supplication of the Generall Assembly to his Majesties high Commissioner, and the Lords of his Majesties honourable Privy Councell, subscribed again in the yeare 1639. by ordinance of Councell, and Act of the Generall Assembly.



We all, and every one of us under-written, protest, that after long and due Examination of our owne consciences, in matters of true and false Religion, Wee are now throughly resolved of the Trueth, by the word and Spirit of God; And therefore wee believe with our hearts, confesse with our mouths, subscribe with our hands, and constantly affirme before God, and the whole World, that this onely is the true Christian Faith and Religion, pleasing God, and bringing Salvation to man, which now is by the mercie of God revealed to the world, by the preaching of the blessed Evangel, and received, beleeved, and defended by many and sundry notable Kirks and Realmes, but chiefly by the *Kirke of Scotland, the Kings Majestie, and the three Estates of this Realme*, as Gods Eternal Truth,

Trueth, and onely ground of our Salvation, as more particularly is expressed in the Confession of our Faith, stablished, and publickly confirmed by sundry Acts of Parliaments, and now of a long time hath bene openly professed by the Kings Majestie, and whole body of this Realme both in Burgh and Land. To the which Confession and forme of Religion, wee willingly agree in our consciences in all points, as unto Gods undoubted Trueth and Veritie, grounded onely upon his written Word. And therefore, wee abhorre and detest all contrarie Religion, and Doctrine: But chiefly, all kind of Papistrie, in generall and particular heads, even as they are now damned and confuted by the *Word of God, and Kirk of Scotland*: But in speciall, we detest and refuse the usurped authoritie of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the civill Magistrate, and consciences of men, all his tyrannous lawes made upon indifferent things against our Christian libertie: His erroneous Doctrine against the sufficiency of the written Word, the perfection of the law, the office of Christ, and his blessed Evangel: His corrupted Doctrine concerning originall sinne, our naturall inabilitie and rebellion to Gods Law, our Justification by faith only, our imperfect Sanctification and obedience to the Law, the nature, number and use of the Holy Sacraments: His five bastard Sacraments, with all his Rites, Ceremonies, and false Doctrine, added to the ministracion of the true Sacraments without the word of God: His cruell judgement against Infants, departing without the Sacrament: His absolute necessitie of Baptisme: His blasphemous opinion of Transubstantiation, or reall presence of Christs Body in the Elements, and receiving of the same by the wicked, or bodies of men: His dispensations with solemne Oaths, Perjuries, and degrees of Marriage, forbidden in the Word: His crueltie against the innocent divorced: His divellish Masse: His blasphemous Priesthood: His profane Sacrifice for the sins of the dead and the quicke: His Canonization of men, calling upon Angels or Saints departed, worshipping of Imagerie, Relicts, and Croffes, dedicating of Kirks, Altars, Dayes, Vowes to creatures, His Purgatorie, Prayers for the dead, praying or speaking in a strange language, with his Processions, blasphemous Letanie, and multitude of Advocates or Mediators: His manifold Orders, Auricular Confession: His desperate and uncertain Repentance; His generall and doubtfull Faith; His satisfactions of men for their finnes: His Justification by works, *opus operatum*, works of Supererogation, Merits, Pardons, Pergrinations, and Stations: His holy-water, baptizing of Bells, conjuring of Spirits, crossing, anointing, conjuring, hallowing of GODS good creatures, with the superstitious opinion joyned therewith; His worldly Monarchie, and wicked Hierarchie: His three solemne vowes, with all his shavelings of sundry sorts: His erroneous and bloudie decrees made at Trent, with all the subscribers and approvers of that cruell and bloudie Band, conjured against the Kirk of GOD: And finally, we detest all his vain Allegories, Rites, Signes and Traditions, brought in the Kirk, without, or against the Word of GOD, and Doctrine of this true reformed Kirk: To the which wee joyne our selves willingly in Doctrine, Faith, Religion, Discipline, and use of the holy Sacra-

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Sacraments, as lively members of the same in Christ our Head: Promising and swearing by the *Great Name of the Lord our GOD*, that wee shall continue in the Obedience of the Doctrine and Discipline of this Kirk; and shall defend the same according to our vocation and power all the dayes of our lives; under the paines contained in the Law, and danger both of Body and Soule, in the day of *GODS* fearefull Judgement: And seeing that many are stirred up by Sathan, and that Roman Antichrist; to promise, sweare, subscribe, and for a time use the holy Sacraments in the Kirk deceitfully, against their own consciences, minding thereby, first, under the externall cloak of Religion to corrupt and subvert secretly *GODS* true Religion within the Kirk; and afterward, when time may serve; to become open enemies and persecutors of the same; under vain hope of the Popes dispensation, devised against the Word of *GOD*, to his greater confusion, and their double condemnation in the day of the *LORD JESUS*: Wee, therefore, willing to take away all suspicion of hypocrisie, and of such double dealing with *GOD* and his Kirk, Protest, and call *The Searcher of all hearts* for witness, that our mindes and hearts doe fully agree with this our *Confession, Promise, Oath,* and *Subscription*, so that Wee are not moved for any worldly respect, but are perswaded only in our consciences, through the knowledge and love of *GODS* true Religion; printed in our hearts by the holy Spirit, as wee shall answer to him in the day, when the secrets of all hearts shall be disclosed: And because wee perceive, that the quietnes and stabilitie of our Religion and Kirk, doth depend upon the safetie and good behaviour of the Kings Majestie, as upon a comfortable instrument of *GODS* mercy, granted to this Countrey, for the maintaining of his Kirk; and ministration of Justice amongst us, we protest and promise with our hearts, under the same Oath, Hand-writ, and paines, that wee shall defend his Person and Authoritie, with our goods, bodies, and lives, in the defence of Christ his Evangel, Liberties of our Countrey, ministration of Justice, and punishment of Iniquitie against all enemies within this Realme; or without, as wee desire our *GOD* to be a strong and mercifull defender to us, in the day of our death, and comming of our Lord *JESUS CHRIST*; To whom with the Father, and the holy Spirit, be all Honour and Glory eternally.

LIKE AS many Acts of Parliament not only in generall do abrogat, annull, and rescind all Laws, Statutes, Acts, Constitutions, Canons, civill or municipall, with all other Ordinances and practique penalties whatsoever, made in prejudice of the true Religion and Professours thereof: Or of the true Kirk discipline, jurisdiction, and freedome thereof: Or in favours of idolatrie and superstition: Or of the Papisticall Kirk: As, *Act 3. Act 31. Parl. 1. Act 23. Parl. 11. Act 114. Parl. 12. of K. James the sixth*; That Papistrie and Superstition may be utterly suppressed according to the intention of the Acts of Parliament repeated in the *5. Act, Parl. 20. K. James 6.* And to that end they ordaine all Papists and Priests to be punished by manifolde Civill and Ecclesiasticall paines, as adversaries to *GODS* true Religion, preached, and by Law established within this Realme, *Act 24. Parl. 11. K. James 6.* as common enemies

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ACT 5. MEMORIAL OF KING CHARLES. 15

to all Christian Government, *Act 18. Parl. 15. K. James 6.* as rebellers and gain-standers of our Sovereigntie Lords authority, *Act 27. Parl. 9. K. James 6.* and as Idolaters, *Act 104. Parl. 7. K. James 6.* But also in particular (by and attour the Confession of faith) do abolish and condemn the Popes Authority and Jurisdiction out of this Land; and ordain the maintainers thereof to be punished, *Act 2. Parl. 1. Act 31. Parl. 3. Act 106. Parl. 7. Act 114. Parl. 12. K. James 6.* do condemn the Popes erroneous doctrine, of any other erroneous doctrine repugnant to any of the Articles of the true and Christian Religion publickly preached, and by Law established in this Realme: And ordaine the spreaders and makers of Books or Libels, or Letters, or writs of that nature to be punished, *Act 46. Parl. 3. Act 106. Parl. 7. Act 24. Parl. 11. K. James 6.* do condemn all Baptists conform to the Popes Kirk and the Idolatry of the Masse, and ordain all slayers, wilfull hearers, and concealers of the Masse, the maintainers and re-setters of the Priests, Jesuits, trafficking Papists, to be punished without any exception or restriction, *Act 5. Parl. 1. Act 120. Parl. 12. Act 164. Parl. 13. Act 193. Parl. 14. Act 1. Parl. 19. Act 5. Parl. 20. K. James 6.* do condemn all erroneous bookes and writs containing erroneous doctrine against the Religion presently professed, or containing superstitious Rites and Ceremonies Papisticall, whereby the people are greatly abused, and ordain the home-bringers of them to be punished, *Act 25. Parl. 11. K. James 6.* do condemn the monuments and drege of by-gone Idolatry, as going to the Crosses, observing the Festivall dayes of Saints, and such other superstitious and Papisticall Rites, to the dishonour of *GOD*, contempt of true Religion, and fostering of great error among the people, and ordain the users of them to be punished for the second fault as Idolaters, *Act 104. Parl. 7. K. James 6.*

LIKE AS many Acts of Parliament are conceived for maintenance of *GODS* true and Christian Religion, and the purity thereof in Doctrine and Sacraments of the true Church of *GOD*, the liberty and freedome thereof, in her Nationall and Synodall Assemblies, Presbyteries, Sessions, Policie, Discipline, and Jurisdiction thereof, as that purity of Religion and liberty of the Church was used, professed, exercised, preached, and confessed according to the Reformation of Religion in this Realme; As for instance, *the 99. Act Parl. 7. Act 23. Parl. 11. Act 114. P. 12. Act 160. Parl. 13. of K. James 6.* ratified by *Act of King Charles.* So that the *6. Act Parl. 1. and 68. Act Parl. 6.* of King *James 6.* in the yeare of God 1579. declare the Ministers of the blessed Evangel, whom *GOD* of his mercie had raised up, or hereafter should raise, agreeing with them that then lived in Doctrine, and Administration of the Sacraments, and the people that professed Christ, as hee was then offered in the Evangel; and doth communicate with the holy Sacraments, (as in the reformed Kirks of this Realme they were publickly administrate) according to the Confession of Faith, to be the true and holy Kirk of Christ Jesus within this Realme; and discern and declare all and sundry, who either gain-say the Word of the Evangel, received and approved, as the heads of the confession of faith, professed in Parliament, in the yeare of God 1560, specified also in the

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first Parliament of King James 6. and ratified in this present Parliament, more particularly doe specifye; or that refuses the administration of the holy Sacraments, as they were then ministrated, to be no members of the said Kirk within this Realme, and true Religion, presently professed; so long as they keep themselves so divided from the Societie of CHRISTES Body: And the subsequent Act 69. Parl. 6. of King James 6. declares, that there is none other Face of Kirk, nor other Face of Religion; then was presently at that time by the favour of GOD established within this Realme, which therefore is ever stiled, Gods true Religion, Christs true religion, the true and Christian Religion, and a perfect Religion; Which, by manifold Acts of Parliament; all within this Realme, are bound to professe to subscribe the articles thereof, the Confession of Faith, to recant all doctrine and errors repugnant to any of the said Articles, Act 4. and 9. Parl. 1. Act 45. 46. 47. Parl. 3. Act 71. Parl. 6. Act 106. Parl. 7. Act 24. Parl. 11. Act 123. Parl. 12. Act 194. and 197. Parl. 14. of King James 6. And all Magistrates, Sheriffs, &c. on the one part are ordained to search, apprehend, and punish all contraveeners. For instance, Act 5. Parl. 1. Act 104. Parl. 7. Act 25. Parl. 11. K. James 6. and that notwithstanding of the Kings Majesties licences on the contrary, which are discharged and declared to be of no force; in so far as they tend in any wayes to the prejudice and hinder of the execution of the Acts of Parliament against Papists and adversaries of true Religion, Act 106. Parl. 7. K. James 6. On the other part in the 47. Act Parl. 3. K. James 6. it is declared and ordained, seeing the cause of Gods true Religion, and his highnes Authority are so joyned, as the hurt of the one is common to both, and that none shall be reputed as loyall and faithfull subjects to our Sovereign Lord, or his authority, but be punishable as rebellers and gain-standers of the same, who shall not give their Confession, and make their profession of the said true Religion, and that they who after defection shall give the Confession of their Faith of new, they shall promise to continue therein in time comming, to maintaine our Sovereign Lords Authority, and at the uttermost of their power to fortifie, assist, and maintain the true Preachers and Professours of Christs Evangel, against whatsoever enemies and gain-standers of the same: and namely, against all such (of whatsoever nation, estate, or degree they be of) that have joyned, and bound themselves, or have assisted, or assist to set forward and execute the cruell decrees of the Council of Trent, contrary to the true Preachers and Professours of the Word of God, which is repeated word by word in the Articles of Pacification at Perth the 23 of February 1572. approved by Parliament the last of April 1573. ratified in Parliament 1587. and related, Act 123. Parl. 12. of K. James 6. with this addition, that they are bound to resist all treasonable uproares and hostilities raised against the true Religion, the Kings Majestie, and the true Professours. LIKE AS all Ledges are bound to maintain the K. Majesties Royall Person, and Authority, the Authority of Parliaments, without the which neither any lawes or lawfull Judicatories can be established, Act 130. and 131. Parl. 8. K. James 6. and the subjects liberties, who ought only to live and be governed by the Kings lawes, the common lawes of this Realm allanerly,

allanerly. Act 48. Parl. 3. K. James the first. Act 79. Parl. 6. K. James 4. repeated in the Act 131. Parl. 8. K. James 6. Which, if they be innovated or prejudged, the Commission anent the Union of the two Kingdomes of Scotland and England, which is the sole Act of the 17. Parl. of K. James 6. declares such confusion would ensue, as this Realm could be no more a free Monarchie, because by the fundamentall lawes, ancient priviledges, offices, and liberties of this Kingdom, not onely the Princely Authority of his Majesties Royall descent hath bene these many ages maintained, but also the peoples security of their Lands, livings, rights, offices, liberties, and dignities preserved. And therefore for the preservation of the said true Religion, Lawes, and Liberties of this Kingdom, it is statute by the 8. Act, Parl. 1. repeated in the 99. Act, Parl. 7. Ratified in the 23. Act, Parl. 11. and 114. Act, Parl. 12. of K. James 6. and 4. Act of K. Charles, that all Kings and Princes at their Coronation and reception of their Princely authority, shall make their faithfull promise by their solemne Oath in the presence of the Eternall GOD, that, enduring the whole time of their lives, they shall serve the same eternall GOD to the uttermost of their power, according as he hath required in his most holy Word, contained in the Old and New Testament: And according to the same Word, shall maintain the true Religion of Christ Jesus, the preaching of his holy Word, the due and right ministraton of the Sacraments now received and preached within this Realme (according to the Confession of Faith immediatly preceding) and shall abolish and gain-stand all false Religion contrary to the same, and shall rule the people, committed to their charge, according to the will and command of GOD, revealed in his foresaid word, and according to the laudable Lawes and Constitutions received in this Realme, no wayes repugnant to the said will of the eternall GOD, and shall procure, to the uttermost of their power, to the Kirk of GOD, and whole Christian people, true and perfect peace in all time comming: and that they shall be carefull to root out of their Empire all Hereticks, and enemies to the true worship of GOD, who shall be convicted by the true Kirk of GOD, of the foresaid crimes, which was also observed by his Majestie, at his Coronation at Edinburgh, 1633. as may be seen in the Order of the Coronation.

IN OBEDIENCE to the commandement of God, conform to the practise of the godly in former times, and according to the laudable example of our Worthy and Religious Progenitors, and of many yet living amongst us, which was warranted also by Act of Councell, commanding a generall Band to bee made and subscribed by his Majesties Subjects, of all ranks, for two causes: One was, for defending the true Religion, as it was then reformed, and is expressed in the Confession of Faith, above-written, and a former large Confession established by sundry acts of lawfull General Assemblies, and of Parliament, unto which it hath relation set down in publick Catechismes, and which had bene for many yeares with a blessing from Heaven preached, and professed in this Kirk and kingdom, as GODS undoubted Truth, grounded onely upon his written Word: The other cause was, for maintaining the Kings Majestie, his Person, and Estate, the true worship of GOD,

and the Kings authority being so straitly joyned, as that they had the same friends, and common enemies, and did stand and fall together. And finally, being convinced in our minds, and confessing with our mouths that the present and succeeding generations in this Land, are bound to keep the foresaid Nationall Oath and Subscription inviolable, Wee Noblemen, Barons, Gentlemen, Burgeses, Ministers, and Commons under-scribing, considering divers times before, and especially at this time, the danger of the true reformed Religion, of the Kings honour, and of the publick peace of the Kingdome, by the manifold innovations and evils generally contained, and particularly mentioned in our late supplications, complaints, and protestations, doe hereby professe, and before GOD, his Angels, and the world, solemnly declare, that with our whole hearts wee agree and resolve all the dayes of our life constantly to adhere unto, & to defend the foresaid true religion, and (forbearing the practise of all novations, already introduced in the matters of the worship of GOD, or approbation of the corruptions of the publick government of the Kirk or civill places and power of Kirkmen, till they be tryed and allowed in free assemblies, and in Parliaments) to labour by all meanes lawfull to recover the purity and liberty of the Gospel, as it was established and professed before the foresaid novations: And because after due examination, wee plainly perceive, and undoubtedly beleve, that the innovations and evils contained in our Supplications, Complaints, and Protestations have no warrant of the word of GOD; are contrary to the articles of the foresaid Confessions, to the intencion and meaning of the blessed reformers of Religion in this Land, to the above-written acts of Parliament, and doe sensibly tend to the re-establishing of the Popish religion and tyranny, and to the subversion and ruine of the true reformed religion, and of our liberties, lawes and estates, Wee also declare that the foresaid confessions are to be interpreted, and ought to be understood of the foresaid novations and evils no lesse than if every one of them had been expressed in the foresaid confessions, and that wee are obliged to detest and abhorre them amongst other particular heads of Papistry, abjured therein. And therefore from the knowledge and consciences of our duty to GOD, to our King and Countrey, without any worldly respect or inducement, so farre as humane infirmity will suffer, wishing a further measure of the grace of GOD for this effect, Wee promise, and sweare by the *Great Name of the Lord our GOD*, to continue in the Profession and obedience of the foresaid Religion, That wee shall defend the same and resist all these contrary errors and corruptions, according to our vocation, and to the uttermost of that power that GOD hath put in our hands, all the dayes of our life. And in like manner with the same heart, wee declare before GOD and Men, that wee have no intencion nor desire to attempt any thing that may turn to the dishonour of GOD, or to the diminution of the Kings greatnesse and authority: But on the contrary, wee promise and sweare, that wee shall, to the uttermost of our power, with our meanes and lives, stand to the defence of our dread Sovereigne the Kings Majestie, his Person, and Authority, in the defence and preservation of the foresaid true Religion, Liberties and Lawes of the King-

Kingdome: As also to the mutuall defence and assistance, every one of us of another, in the same cause of maintaining the true Religion, and his Majesties authority, with our best counsell, our bodies, meanes, and whole power against all sorts of persons whatsoever; So that whatsoever shall be done to the least of us for that cause; shall be taken as done to us all in generall, and to every one of us in particular. And that wee shall neither directly nor indirectly suffer our selves to be divided or withdrawn by whatsoever suggestion, allurement, or terrour from this blessed and loyall Conjunction, nor shall cast in any let or impediment; that may stay or hinder any such resolution as by common consent shall be found to conduce for so good ends. But on the contrary, shall by all lawfull meanes labour to further and promote the same. And if any such dangerous and divisive motion be made to us by word or writ, wee, and every one of us, shall either suppress it, or, if need bee, shall incontinent make the same known, that it may be timelyly obviated. Neither doe wee fear the foul aspersions of rebellion, combination, or what else our adversaries from their craft and malice would put upon us; seeing what wee doe is so well warranted, and ariseth from an unfained desire to maintain the true worship of God; the Majesty of our King, and peace of the Kingdome, for the common happinesse of our selves, and the posterity. And because wee cannot look for a blessing from God upon our proceedings; except with our profession and subscription wee joyne such a life and conversation as becometh Christians, who have renewed their Covenant with God; Wee therefore faithfully promise, for our selves, our followers, and all others under us, both in publike, in our particular families, and personall carriage, to endeavour to keepe our selves within the bounds of Christian libertie, and to be good examples to others of all Godlinesse, Sobernesse, and Righteousnesse, and of every duty wee owe to God and Man. And that this our Union and Conjunction may bee observed without violation, Wee call the living GOD, the Searcher of our Hearts, to witness, who knoweth this to be our sincere Desire, and unfained Resolution; as wee shall answer to JESUS CHRIST, in the great Day, and under the pain of GODS everlasting wrath, and of infamie, and losse of all honour and respect in this World; Most humbly beseeching the Lord, to strengthen us by his holy Spirit for this end, and to blesse our desires and proceedings with a happy successe, that Religion and Righteousnesse may flourish in the Land, to the glory of GOD, the honour of our King, and peace and comfort of us all. In witness whereof wee have subscribed with our hands all the premises.

The article of this Covenant, which was at the first subscription referred to the determination of the Generall Assembly being determined; And thereby the Five articles of Perth, The government of the Kirk by Bishops, The civill places and power of Kirkmen upon the reasons and grounds contained in the Acts of the Generall Assembly declared to be unlawfull within this Kirk, Wee subscribe according to the determination foresaid.

ACT

ACT VI
ACT RESCISSORIE.

THE Estates of Parliament presently convened by his Majesties special authority, Considering that the office of Bishops and Archbishops, and all other prelates, the civil places and power of Kirkmen, as their voycing and ryding in Parliament, are condemned by the Assemblies of this Kirk, And considering the severall acts and complaints of this Kirk unto Parliaments from time to time against any persons, especially of prelates their attempting to vote or doe any thing in name of the Kirk, without either bearing Office in the Kirk, or having Commission from the Kirk, with her frequent supplications to the Parliament, for dissolving of all prelacies; Considering also the petition of the Commissioners of the late General Assembly, humbly craving the rescission of all Acts of Parliament, which grants to the Kirk or Kirkmen, of whatsoever sort allowed or disallowed, as representing her, or in her name, the priviledge of ryding & voting in parliament, as prejudicial to her liberties, and incompatible with her spirituall nature, declares that the sole & onely power and jurisdiction within this Kirk, stands in the Kirk of God as it is now reformed, and in the General, Provincial, Presbyterial Assemblies, with the Sessions of the Kirk, established by act of Parliament in June 1592. cap. 1140. which act the saids Estates now convened by his Majesties speciall indiction, warrant and authority, revives and renewes in the whole heads, points, and articles thereof (with this expresse declaration, that according to the last clause in the Act of the late Generall Assembly of the 17. of August, the necessitie of occasional Assemblies be first remonstrated to his Majestie by humble supplication) to stand in full strength as a perpetuall law in all time comming, notwithstanding of whatsoever acts & statutes made in the contrair thereof, in whole or in part, which the Estates convened, as said is, casses and annuls in all time comming, and declares, that it is and shall be lawfull to the Presbyteries of this Kirk, to exact and receive from subjects of all qualities, their Oath of the Confession of Faith and Covenant, with the Subscription thereof, to examine Pedagogues of the sons of Noblemen, passing out of the Countrey, to give them Testimonials, according to former Acts of Parliament, to give and direct admonitions, private or publick, to persons joyned in marriage for adherence, to designe manse and gleibs to ministers, to appoint stent-masters for reparation of Kirks and Kirk-yards, and for maintenance of the Masters of Schooles, and to stent the parochioners, conforme to the Act of parliament, to admit Ministers upon the presentations from the lawfull Patrons, or *Jure devoluto*; which shall happen hereafter. Or unto Kirks which fall not under patronages suchlike and as freely as they did or might have done off before. And to doe all and whatsoever things which before pertained to Presbyteries, and were usurped by the prelates, And that notwithstanding of whatsoever acts or statutes made in the contrair in favours of Bishops, Archbishops, or other prelates, which the Estates

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authorized in manner foresaid, casses and annuls. And specially the Estates foresaid casses and annuls the 23. Act 1597. anent the Kirk and speciall persons and prelates voycing in Parliament, and representing the third Estate; the 24. Act 1606. anent the restitution of the state of Bishops, and their representing the third estate; the 8. Act 1607. anent the Chapter of S. *Andrewes*; the 6. Act 1609. anent the Commissariats and jurisdiction given to Bishops and Archbishops, the first Act 1612. anent the ratification of the Acts of the pretended Assembly of *Glasgow*; 1610. the first and second Acts 1617. anent the election of Bishops and restitution of Chapters; without prejudice alwaies to the Ministers serving the cure of any emoluments allowed to them in part of their stipend; the first Act 1621. anent the ratification of the Articles of the pretended Assembly holden at *Perth*. And finally, the Estates foresaid convened by authority, rescindes and annuls all and whatsoever Acts of Parliament, Lawes, and Constitutions; in so far as they derogate, and are prejudiciall to the spirituall nature, jurisdiction, discipline, and priviledges of this Kirk, or of her Generall, Provinciall, Presbyteriall Assemblies, and Kirk-sessions, and so far as they are conceived in favours of Archbishops, Bishops, Abbots, Priors, and others, Prelates or Kirkmen whatsoever; their dignity, title, power, jurisdiction and estate in this Kirk and Kingdome; or in favours of the civill places and power of Kirkmen, of whatsoever sort allowed or disallowed, for their riding, sitting, and voycing in Parliament; either as Kirkmen; or the clergy, or in name of the Kirk, or as representing the Kirk, either in regard of their Ecclesiastick titles, offices, places, and dignities, or in regard of the temporality or spirituality of their Ecclesiastick benefices, or other pretext whatsoever, with all acts and constitutions of convention, counsell, or session, or other Judicatory whatsoever, and all practises and customes whatsoever, introduced in favours of the saids offices, titles, benefices, or persons provided thereto; And declares all persons civill or ecclesiastick; censured, deprived, confined, or banished, by vertue of whatsoever acts, decreets, or sentences, given and pronounced by the saids Archbishops and Bishops, or others their colleagues and associats in their Ecclesiastick courts, holden by vertue of the acts foresaid, or any of them, or by vertue of the pretended high Commission, and all acts interponed thereto, against the persons foresaid, for not obedience of the foresaid Acts, or any of them which are now repealed, as said is, or for not acknowledging their saids courts, or for their pretended contumacy, and not compearance to answer before them, To be null, and of none avail, force, nor effect, and the foresaid persons to be restored and reponed against the same; such like as if the same had never been given nor pronounced.

ACT

ACT VII
ACT FOR PLANTING OF KIRKES
Unprovided with Ministers through the
Patrons default.

THE Estates of Parliament presently convened by his Majesties speciall authority, Considering the lamentable condition of a great number of Congregations, lying destitute of Ministers, since the assembly at *Edinburgh*, and before, by the negligence of Patrons and others, having interest, to the great prejudice of the Gospel, Therefore do require the Presbyteries, with consent of the Parochins, with all diligence to plant these vacant Kirks, which by the oversight of any Patrons whatsoever, have lyeen six months unprovided. And ordain the Lords of Session to give forth sentences and letters in the ordinary forme, for payment of the former stipends of these Kirks, to such as the Presbyteries shall admit, or have already admitted to the office and cure of the ministry in these Kirks, with consent of the Parochins, as said is, while the same former stipends of these Kirks be changed by the Lawes of the Countrey. And it is alwaies declared, that this admission, standing good for the present intrants their time, is and shall be without prejudice to the right of patronage belonging to his Majesty, or to any other Kirk-patron whatsoever whensoever their Kirks shall fall to vaik.

ACT VIII.
ACT ANENT ADMISSION OF
Ministers to Kirks which belonged to Bishopricks.

THE Estates of Parliament presently convened by his Majesties speciall authority, Considering that the right of patronage and power of presenting of Ministers to divers Kirks within this Realme, have been acclaimed and possessed by the sometime pretended Bishops and Archbishops within this Kingdome, by vertue of the 2. Act of Parliament 1606. anent the restitution of the estate of Bishops, or by some other right, or pretence of right, to the very great grief and prejudice of this Kirk, her just liberty and possession since the Reformation, by Superintendents, and the Commissioners of the Kirk before the erection of Presbyteries. And since by Presbyteries themselves, who have been *respective* in possession, for providing and planting of all Kirks within this Kingdome, belonging to the Bishopricks, And that even since their annexation 1587. upon the sute and calling of the Congregations and Paroches, where the Ministers were to serve in the function of the Ministerie, which is most

most evident by the 7. act of the 1. Parliament of our dearest father, in the yeare 1567. and by the assignation to Ministers of stipends, out of the thirds of benefices, and letters of horning constantly used to be direct by deliverance of the Lords of Session upon the provisions and admissions of Ministers to the saids stipends out of the thirds of benefices by Superintendents, Commissioners of the Kirk and Presbyteries *respective* without any presentation at all, both before and since the act of annexation 1587. whereby the Ministers so provided and admitted did brook and enjoy the fruits and rents assigned, and their stipends during their life time, and many of them yet living doe still brook and enjoy the same. And suchlike, the foresaid priviledge and the right of the Kirk is evident by divers Acts of other Generall Assemblies made thereanent, and by her frequent grievances against the usurpation of Prelats and others, upon her said right and possession, and especially by her protestation against the foresaid two Acts of Parliament of King *James* the 6. his Majesties Umwhile dearest father, holden in the yeare 1606. whereby the Prelats pretended right of patronages, and advocations of Kirks, and defrauded the Kirk thereof. And now seeing the said Act of that Parliament in the yeare 1606. is rescinded, cassed, and annulled in this present Parliament, and it is most reasonable, that the Kirk be restored now after the abolition of the Estate of Bishops, to the wonted rights, priviledges and liberties which she had, and was in possession of before the restitution of Bishops, Therefore the saids Estates of Parliament convened, as said is, decernes, statutes and ordaines, that according to the said 7. Act of the first Parliament of the Kings Majesties Umwhile dearest father, the full power of providing of all Ministers to Kirks, which the saids pretended Bishops have been in use to provide, since the said Act of their restitution 1606. shall hereafter belong and appertaine to the Kirk: and that in all time coming, Presbyteries (who are now in place of Superintendents and Commissioners of the Kirk) within their severall jurisdictions, shall provide and admit Ministers to all these vacant Kirks, which before were acclaimed by the foresaids Bishops, by the said Act of restitution 1606. to the fruits and stipends thereof, but prejudice alwayes to any patronages of Kirks, which belong either to the Kings Majesty, or to any Laick patron, or to any Nobleman, Baron, or Burgesse right and possession before these late troubles, and but prejudice of the interest of the paroches, according to the Acts and practise of the Kirk since the Reformation: And declares that the said provision and admission with collation and institution following thereupon, shall be a sufficient right and title for the Intraunt to possesse and enjoy the whole fruits, rents and stipends whatsoever belonging to the Kirk, and to the Ministers serving the cure thereat. And ordaines the Lords, of Sesssion, and all other Judges competent, to give out decreets and sentences, letters conforme, horning, and inhibition, and all other executorialls upon the said provision and admission of Ministers by Presbyteries, collation and institution following thereupon, suchlike as they are in use to doe upon collation and institution, following upon presentations from lawfull patrons.

ACT

ACT IX.

ACT DISCHARGING THE GOING OF Salt-pans and Mylnes upon the Sabbath day.

Forsamekle as the Estates of Parliament presently conveyed by His Majesties speciall authority, Considering that GODS publick worship upon the Sabbath day is hindered, and the Sabbath day prophaned by the going of Mylnes and Salt-pans upon the Sunday; For remeed hereof, the Estates of Parliament presently conveyed by his Majesties speciall authority, discharges and prohibites all Salt-pans and Mylnes within this Kingdom, from all going, grinding, making of Salt, or any wayes working upon the Sunday in any time hereafter: And ordaines the Salters, Millers, and other servants in the saids Mylnes and Salt-pans, to attend GODS publick worship every Sunday hereafter, under the paines and censures contained in the Acts of the Assembly, or other Kirk-Acts set down hereanent. To the which Acts, the saids Estates of Parliament interpones the civil sanction and authority of Parliament for the better execution thereof.

ACT X.

ACT DISCHARGING SALMOND-fishing on Sunday.

The Estates of Parliament presently conveyed by his Majesties speciall authority, Considering the great abuse and prophanation of the Sabbath day, occasioned by the fishing of Salmond upon that day, whereby many people are with-holden from divine exercise, & are employed in the ordinary works of their calling, or other wayes have opportunity to mis-spend their time in unlawfull actions, contrary to the Law of GOD, and Acts of this reformed Kirk: Therefore, for remeed thereof in all time comming, inhibites and discharges all manner of Salmond-fishing upon the Sabbath day, under the paine to the contraveners, to be punished as breakers of the Sabbath day, by the confiscation of the nets and fish to the behoofe of the poore.

ACT

ACT XI.

ACT AGAINST PAPISTS.

THE Estates of Parliament now presently conveyed by his Majesties speciall authority, ratifies and approves all and whatsoever acts and statutes of Parliament, Convention, or Secret Councell, made against Papiests, against sayers and hearers of Masse, and against Jesuits, Seminary Priests, and against excommunicate persons for papistry, or for resetting of Jesuits and excommunicate Papiests, and against the resetters of the foresaids persons, or any of them, in the whole heads and articles thereof; And specially but prejudice of the generality foresaid, ratifies and approves the Act of Parliament made by his Majesties Father of blessed memory, *Parl. 13. cap. 164.* and *Parl. 14. cap. 193. 194.* and the Act made *Parl. 20. cap. 5.* in the whole heads and articles thereof; And declares, that writing and wilfull resetting of the persons foresaids, shall be understood to be committed by these, who (after lawful intimation to be made at the head Burgh of the Shire where they dwell and make their residence for the most part, and at the market Crosse of Edinburgh, of the names of the Jesuits, Seminary Priests, and excommunicate persons for the causes foresaid) resets the persons foresaids by the space of three nights together, or three nights at several times (which is the manner of intimation prescribed by the said *13. Parl. cap. 164.* and by the said *Parl. 20. cap. 59.* and that the persons resetters in manner foresaid, shall be lyable to the paine and punishment contained in the said Acts, without farther verifying of their notice and knowledge except the intimation foresaid. And also declares, that the saids Acts of Parliament ratified, as said is, shall comprehend not onely men, but women of all quality, and that they and their resetters shall be lyable to the paines therein contained. And such like, the Estates ratifies and approves the act of Parliament made by his Majesties Father, *Parl. 16. Cap. 17.* intituled *Act anent non-Communicants*, and ordaines every person non-communicant, to be lyable to the paines therein contained. And wills and ordaines all Ministers within their Parochins, and all Presbyters within their Presbyteries to take tryall and cognition of the premisses, and that as fully as the Bishops or Archbishops might have done by the foresaids acts or any of them; And abrogates the saids acts in so far as any power is thereby granted to the said Archbishops and Bishops anent the premisses.

ACT.

ACT XII.

ACT DISCHARGING THE ZULE VACANCE, and appointing the Session to sit downe the first of November, and rise the last of February, and thereafter to sit downe the first of June, and rise the last of July yearly.



THE Estates of Parliament presently convened by his Majesties speciall authoritie, Understanding that the Kirke within this Kingdome, is now purged of all superstitious observation of dayes; And herewith also considering that the keeping of the Zule vacance hath not only relation to that superstition, and may serve to keep the famine in memory, but also that the keeping of the said Zule vacance, hath interrupted the course of Justice in this Kingdome, to the hinderance & heavie prejudice of the lieges therof. Therefore the saids estates have discharged, and simply discharges the foresaid Zule vacance, and all observation thereof in time comming, and rescindes and annulls all acts, statutes, warrants and ordinances whatsoever, granted at any time heretofore, for keeping of the said Zule vacance, with all custome of observation thereof, And findes and declares the famine to be extinct, voyde, and of no force nor effect in time comming. And ordaines the Court and Session of the Colledge of Justice, and Senatours and members thereof, to convene and sit for the administration of Justice, without any interruption by the foresaid Zule vacance, from the first day of November to the last day of February thereafter inclusive yearly. And ordaines the saids Senatours and remanent members of the Colledge of Justice, to rise the said last day of February, and to convene, and sit downe againe for administration of Justice to the Lieges, the first day of June yearly, and to rise the last day of July next thereafter inclusive. And also ordaines the whole remanent Judges of inferiour Courts within the Kingdome, to proceed in the administration of Justice within their severall jurisdictions, without any respect to the said Zule vacance, and without any interruption or vacation by the same Zule vacance, notwithstanding of any by-gone custome of observation of the said Zule vacance, seeing the famine is now discharged in manner foresaid.

ACT

ACT XIII.

ACT DISCHARGING THE MUNDAY MARKET in Edinburgh, Jedburgh, Drumfreis, Brechin, and Glasgow.



Orsamckle, as the Estates of Parliament presently convened by his Majesties speciall authority, are informed and understand, that travelling upon the Sunday, and the prophanation of that day is greatly occasioned by the Markets holden weekly upon the Munday in Edinburgh, Jedburgh, Drumfreis, Brechin, and Glasgow, and that the Lieges resorting from the Countrey to the saids Markets upon the Munday, are distracted from Gods publick worship and service upon the Sunday, and are constrained to travell all the Sunday, for keeping of the Munday Markets respective foresaid, For remeed whereof, the saids Estates of Parliament have discharged, and simply discharges all Markets upon Munday, to be any wayes kept in the Burghs of Jedburgh, Drumfreis, and Brechin in time comming: And appoints, changes and ordaines the same Markets, which were in time by-gone kept and holden weekly upon the Munday in the saids Burghs of Jedburgh, Drumfreis, and Brechin, to be hereafter kept and holden in Jedburgh weekly upon Tuesday, and in Drumfreis and Brechin weekly upon Wednesday. And also the saids Estates of Parliament foresaid, discharges all Markets within the Burgh of Glasgow, to be kept or holden hereafter upon the Munday, or selling, buying, and making Market of Horses, and other quick bestiall, Meale brought to Glasgow Market upon Munday from Burrows-townes, as Stirling, Falkirk, and other remote places, where men may not come from their owne houses in the morning to the houre of the Market with their saids Commodities. Item, the Beere-Market, and all craftsmens work brought to be sold in Market, as well by free as unfree persons. Item, all Market for Salt, brought from the Salt-pans upon Forth, the Market for salt Butter, keeping Cheese, and Timber of all sorts, which is brought up the river of Clide to the town of Glasgow, And ordains and appoints the Market for the particular goods foresaid, to be kept hereafter weekly within the Burgh of Glasgow upon the Wednesday. And in like manner, the saids Estates of Parliament, discharges all Market to be kept and holden hereafter within the Burgh of Edinburgh upon the Munday, for Wool, Butter, Cheese, Skines, Hides, Shoone.

And generally discharges all markets in Edinburgh upon Munday of all unfree-mens work, brought in to be sold in Edinburgh upon

the Munday in any time hereafter, but ordaines and appoints the market of these goods and marchandise particularly and generally before rehearsed, to bee kept and holden weekly upon the Wednesday within the said Burgh of Edinburgh in time coming, in the same manner, and as freely in all respects, as the market thereof hath bene kept on the Munday in times bygone. And therefore ordaines the Leiges to keep and attend the saids market dayes *respective* before rehearsed, as the same are now appointed to bee kept within the Burghs of Edinburgh, Glasgow, Jedburgh, Drumfries, and Brechin, and to resort and repaire thereto weekly as they shall have occasion, suchlike and in the same manner as they were in use to repaire to the Munday markets within the saids Burghes before the discharging thereof: And also ordains the Magistrates of the saids Burghes, to see the markets kept and holden in their saids Burghs, upon the dayes hereby appointed, and that no markets bee kept upon the Mundayes for the goods hereby discharged in time coming. And last, the saids Estates of Parliament discharges and prohibits all markets and tryfts to be kept hereafter upon Sunday throughout all this kingdome, and discharges all the Lieges from all keeping thereof upon Sunday hereafter, and ordaines this Act to stand in full force as a law while the next assembly, that the inconveniences redounding hereby to the Lieges, being represented to that Assembly, the Assembly may consider thereof, and as they finde the same sufficient, they may supplicate the next ensuing Parliament, to rescind this Act in whole, or in part, as after triall it shall be found hurtful to the Lieges.

ACT XIV.

ACT FOR TAKING ORDER WITH THE Abuses committed on the Sunday by the confluence of people for hyring of shearers on Sunday.

For samekle as the prophanation of the Sunday is greatly occasioned in the time of harvest by the great confluence of people to publick places, as ports, or streets of townes, and paroch Kirkes of Landward everie Sunday, from morning to preaching time, for hyring shearers the week following, whereof there ariseth also sundry tumults, disorders, swearing, drinking, and often fighting, on the Sabbath day; For remeed hereoff the Estates of Parliament presently convened by his Majesties speciall authority refers and remits the same to be taken order with, to the Justices of peace, and Kirk Sessions, where the abuse shall be committed hereafter by the confluence of the said people and hyring of the saids shearers upon the Sunday, as said is, as the saids Justices of peace and Kirk Sessions shall find the saids abuses then to be committed, to deserve.

ACT

ACT XV.

FOR DIRECTING LETTERS OF HORNING And Caption by the Lords of Session against the excommunicate Prelates, and all other excommunicate persons.

THe Estates of Parliament convened by his Majesties speciall authoritie, Considering the necessitie of reviving and putting in execution the 53. Act of the third Parliament of King James the sixth, Anent Letters of horning and caption to follow upon excommunication of the Kirk after fourtie daies, Renewes and revives the said Act of Parliament, and ordaines the Lords of Session to grant Letters and other Executorials against the excommunicate Prelates, and all other excommunicate persons.

ACT XVI.

ANENT THE LARGE DECLARATION, Or, MANIFESTO.

THe Estates of Parliament convened by his Majesties speciall Authoritie, Considering that the supplication of the late generall Assembly to his Majesties Commissioner, against a book called, *A Large Declaration*, as followeth, was presented unto Us by the Commissioners of the Kirk, and recommended to his Majesties Commissioner, for obtaining from his Majesties Justice and Goodnesse the desire thereof: And as the said Book was examined by the appointment of the Assembly, and found to be dishonourable to God and his true Religion, to this Kirk and Kingdome, to the Kings Majesty, and to the Marques of Hammiltoun then his Majesties Commissioner, and divers others persons therein, and to be full of lies, in averring known untruths, in wilfull concealing and perverting many truths, in wresting of intentions, words, and actions, as is particularly contained in the censure of the book, registrate in the Registers of Assembly: So they having re-examined the same, declares their judgement to be the same there-anent: And therefore ordaines the Authours and Spreaders thereof to bee most severely punished according to the Lawes of this Kingdome, against lying-makers betwixt the Kings Majesty and his Subjects, slanderers of the King and Kingdome, and raisers of sedition and discord betwixt them, that all others may be deterred from such dangerous courses, Gods honour may be vindicate, the innocencie of this Kirk and Kingdome, and his Majesties Justice and goodnesse may appeare, not onely in censuring such Malefactors, but in discouraging all such underminers of his Majesties Throne, and abusers of his Royall Name, by prefixing the same to such scandalous and dishonourable Treatises.

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ACT

ACT XVII.

STATUTARIE APPOINTING PARLIAMENTS to be holden once every three yeare.

He Estates of Parliament presently conveened by his Majesties speciall Authoritie; Considering that by reason of his Majesties ordinary residence forth of this his ancient and native Kingdome, the grievances and complaints of his good Subjects cannot have so free and easie accesse to his Majesties eares, as the same may be conveniently represented to his Majesties Commissioners, and the Estates of Parliament from time to time, and how necessary it is that frequent Parliaments be kept within this Kingdome for preservation of the puritie of the true Religion now by Gods providence established within the same, and for the equall and impartiall administration of Justice to all his Majesties Subjects, and maintaining of peace and concord amongst them, by applying of the true and lawfull remedies to their grievances and complaints, and timous suppressing of all abuses and corruptions, which otherwayes from small beginnings will grow to great disorders, (which frequent Parliaments were continually observed in this Kingdome before his Majesties Father, of happy memorie, went into England,) Have statute and ordained that every three yeare, once at least a full and free Parliament shall be holden (and oftner as his Majestie shall be pleased to call them) within the bounds of this Kingdome, in the most commodious place and convenient time to be thought upon, appointed and affixed by his Majestie or his Commissioner for the time, and the Estates of Parliament, before the ending and closing of every Parliament, and to be the last Act thereof. And the whole Estates wisheth, that as it was their happinesse to have his Majesties presence at all Parliaments, while the King had his residence in this Kingdome, so that his Majestie would be pleased to be present at each Parliament, and they humbly supplicate his Majestie for that effect.

ACT XVIII.

ANENT THE KEEPERS OF THE CASTLES Of Edinburgh, Striveling, and Dumbartane.

He Estates of Parliament presently conveened by his Majesties speciall Authority; Considering that the commandement of the Castle of Edinburgh, wherein the most part of the publike Registers and Records, and the Honours of the Kingdome are kept; and siclike the commandement of the Castle of Striveling and Dumbartane, being a charge of great weight and importance, concerning as well the Kings Majesties honour and safetie, as the securitie and safetie of this whole Kingdome, ought not to be committed but to such persons, as are knowne and approved by the whole course of their life, to be true and faithfull Subjects

Subjects to his Majesty, and trustie and well affected Countrey-men, loving, and tendering the peace, prosperitie, and good of this whole Kingdome, and the preservation and advancement of the true reformed Religion, now therein by Gods providence established and professed, and intertaining of Unitie betwixt the King and his good Subjects: Have therefore statute and ordained, and hereby statutes and ordains that the custody and keeping of the saids Castles shall be only intrusted to such persons as are natives, borne and bred within this Kingdome, known and esteemed to be of the qualitie foresaid, without exception, and who before their entrie and admision to whatsoever charge, place, or service within the said Castles, or any of them, either as Captaines, Constables, Commanders, Souldiers, or Servants within the same, shall be bound and oblisht by a solemne oath to be given and made by them, and every one of them, to make faith that they shall faithfully employ whatsoever power, charge, or service committed, or that shall be committed to them within the saids Castles, or any of them, so far as they can, or in them lyes, to the Kings Majesties honour and safetie, to the peace, safetie, good, and prosperitie of this Kingdome, and common-wealth, and to the preservation and advancement of the true reformed Religion therein presently established and professed, as they will answer to God: Like as in case it shall happen any of the persons foresaid, to doe or attempt any thing contrarie to the premisses, or any part thereof, It is statute and declared that they shall be punished with all rigour, as Traitours and common enemies to the King and Countrey: And farther, That the Captaines and Commanders of the saids Castles, shall be chosen by his Majestie from time to time by advice of the Estates of Parliament, and that such as shall happen to be placed therein betwixt Parliaments, shall be first tryed and found by his Majesties Councell to be of the qualitie above-exprest, and shall have the charge thereof only, to the next ensuing Parliament, by the which they shall of new be tryed and allowed, or otherwise his Majestie shall place others therein by the advice of the Estates, as said is: Always without prejudice of the Earle of Mar his heritable right of the keeping of the Castle of Striveling.

ACT XIX.

ANENT PRODUCTION OF THE REGISTERS and Records of Parliament to the first Session of each Parliament.

He Estates of Parliament now presently conveened by his Majesties speciall Authoritie, Considering that for the better clearing and resolving of all doubts and difficulties, which may arise in Parliaments, anent such matters as shall be brought in before them, It is very necessar that they have inspection of the Books, Registers, and Records of Parliaments, as they shall have occasion to make use thereof; Have statute and ordained that in all times comming the Clerke of Register and his Deputes, and such others, who for the time shall happen to have the charge, keeping, or power of any of the saids Registers or Records, shall be holden to exhibite

hibite and produce the same, as they shall be required by the Estates in time of Parliament, that they may have the use and inspection thereof upon all occasions, as they shall thinke expedient for clearing of whatsoever difficulties: And siclike that the Clerk of Register, or some having power from him, and intrusted with the keeping of the Registers, shall be present at all times, and shall be ready to give extracts to the Lieges in their particular affaires, upon their reasonable charges, and expenses, and both these under the paine of deprivation of the party contraveining any of the saids members of the Acts, or to be otherways more mildely or severly punished, as the Parliament shall finde the fault to demerit.

ACT XX.
DISCHARGING ALL PROXIES TO BE
Admitted in Parliament, and that no forraigne Noble-man shall have place and voice in Parliament, unlesse they have ten thousand merkes of land-rent within the Kingdome.

THe Estates of Parliament presently convened by his Majesties speciall Authoritie, Considering how farre the dignity, honour, and authoritie of the high and supreme Court of Parliament, which is the great Councel of this Kingdom, hath been and is yet likely to be farther diminished & weakened by two reasons, one is, the giving of power of voicing and reasoning to Proxies and Procurators in absence of such as are als much tyed to give their personall judgement, as their personall presence, and hath all these honours, riding, sitting, reasoning, and voicing in Parliament, only conferred on them and their Successours personally; so that it is as absurd that they should give power to any, to reason or voice for them, as to give any power to ride and to sit in their place of honour, and dignitie: And it might tend to the weakning and utter overthrow of Parliaments: For thus the absence of the most part of the best qualified, and experienced might be supplied by Proxies granted to a few, and of lesse abilities. The other is, the granting to strangers, having titles of honour conferred on them without any other interest in this Kingdome, power of sitting, riding, reasoning, consulting, and voicing in this Court of Parliament, whereas none should be members of this Court but such as have entereff by Birth, Bloud, or Inheritance within this Kingdom, and so may be sensible of the prejudice or advantage following the lawes and constitutions thereof: Therefore the saids Estates statutes & ordains, that hereafter all Noblemen, *viz.* Dukes, Marquesses, Earles, Vicounts, and Lords, shall give their personal presence in all Parliaments, & so being personally present, reason, and advise, & voice, and no wayes by proxies or procurators: but discharge any such procurator and commissions in all time comming: and that no persons shall hereafter have any place or voice in Parliament, as said is, but such Noblemen before specified; and Commissioners from Shyres and Burrows, as have entereff, either by Birth, Bloud, or by Inheritance within this King-

dome, and that proportional to the honor and dignity they carry, which in the least proportion for every Nobleman must be ten thousand marks by yeare of land-rent. And that notwithstanding any gifts or patents granted, or to be granted to any person whatsoever: Suchlike the estates foresaid, casses and annuls all acts and constitutions any wayes derogatory to this present Act or any part thereof.

ACT XXI.
ACT DISCHARGING THE GRANTING
Of Protections by the Lords of Councell and Exchequer.

Forsameekle as the Estates of Parliament presently convened by his Majesties speciall Authoritie, Considering the great prejudice and hurt sustained by his Majesties Highnesse lieges, by the frequent granting of Protections and Superfederes, and remembreing herewithall, that his Highnesse Umwhile dearest Father of worthe memorie, by the 47. Act of his eleventh Parliament, *anno* 1587. intituled, *All Superfederes, as contrair to the furtherance of justice, are forbidden:* Of the which Act the tenour followeth. Forsameekle as our Sovereign Lord, and the Estates of this present Parliament, understanding great contempt to be done to his Highnesse Lawes, and great hurt to his lieges, by passing of Licences and Superfederes, which daily uses to be granted to such as either by themselves, or other friends, have credit of his Majesty, they being at his Highnesse Horne, either for causes of Treason, or not satisfying of their debts to their creditours, for not obtempering decreets and charges, Therefore our Sovereign Lord with advice foresaid, statutes and ordaines, that no such Licences and Superfederes be granted in any time comming. And in case any happens to be purchasid, declares the same to be null of the Law, and not admissable by any Judge, nor effectually to the purchaser in any wayes, And ordaines all Judges within this Realme, to proceed and doe justice to all parties, suchlike and in the same manner, as if the saids Superfederes had never been purchasid nor produced. And also by the 13. Act of his 23. Parliament, *in anno* 1621, intituled, *Anent the discharging of Protections:* Of the which Act also the tenour followes. Our Sovereign Lord and Estates of Parliament understanding that there may sundry Protections be sought by bankrupts and others, who are adebted in great summes of money, whereby the execution due unto the creditours by the Lawes of the Countrey against the debtor may bee frustrate, to the great damage of the creditour. **F O R R E M E E D** whereof it is statute and ordained, that hereafter the Lords of Session shall grant no Protection from any execution due and competent against any man of the Law. And declares, that if any shall bee hereafter granted, the granter of the same shall be subject and lyable of the Law for the summe from the which hee hath granted Protection. And

And the saids Estates of Parliament foresaid, being carefull that the prejudices and evils incurred and sustained by his Highnesse Lieges; by the granting of the saids Protections; be helped and remedied, Have therefore renewed, ratified, and approved; and by these presents renewes, ratifies, and approves the foresaid two particular Acts of Parliament above mentioned, in the whole heads and clauses thereof before rehearsed, conforme to the tenour of the same, which are insert hereintill *ad longum, ut supra.* And ordaines the saids Acts, and every one of them to have the strength of a Law, with full force and execution, conform to the tenour thereof in all time comming, with this addition, That the certification of the foresaid last Act made *in anno* 1621. against the Lords of Session, shall also be extended against the Lords of Secret Councell and Exchequer, AND THEREFORE the Estates of this present Parliament statutes and ordaines, that hereafter the Lords of Privie Councell, Session, or Exchequer, shall grant no protection from any Execution, due and competent against any man of the Law, and declares, that if any shall be hereafter granted, the granter of the same shall bee subject and lyable of the Law to the Creditor for the summe, from the which he hath granted protection: And ordaines all Sherifes, Stewarts, Bailiffs of Regalities, Provests and Bailiffs of Burrows, and other Officers of Justice in all time comming, to proceed in discharge of their duty and execution of the command of our Sovereign Lords Letters, notwithstanding of any Protection or Superfedere.

ACT XXII.

ACT ANENT THE EXCHEQUER, DECLARING The samine to be onely Judges to matters concerning the managing of the Kings Rents and Casualties.



He Estates of Parliament now presently convened by his Majesties speciall authority, for the explanation of the 18. Act of the late Parliament holden at Edinburgh, in the moneth of June 1633. year, intituled, *Anent the Exchequer*, Finds, declares, statutes, and ordaines, that the validity or invalidity of Infeftments of his Highnesse property, or of any other Infeftments, may not be discuss nor decided in Exchequer, neither by way of Action, Exception, or Reply, but that the discussing and decision thereof, is onely proper to the Lords of Session. It is added, that the Exchequer are onely Judges to matters concerning the managing of the Kings Rents and Casualties.

ACT

ACT XXIII. IN FAVOURS OF THESE WHO HELD their lands of Arch-bishops, Bishops, or of their Chapters.



He Estates of Parliament presently convened by his Majesties special Authority, considering that the Offices of Arch-bishops, Bishops, Archdeacons, Deanes, and others the members of their Chapters are now abolished out of this Kirke and Kingdome: And herewith also taking to their consideration that there is sundrie Noble-men, Gentle-men, and others within this Realme, who held their lands of the saids Archbishops, Bishops, Archdeacons, Deanes, and others, members of Chapters (who are now abolished forth of this Kirke and Kingdome, as said is) for payment of certaine yearely few dueties, and fulfilling of certain clauses irritant, and performing of other conditions contained in their Infeftments, Takes, and Rights: And who not knowing to whom they shall now pay their saids dueties, and fulfill the other conditions of their Infeftments and Rights, may be prejudged by incurring of the failzie, and danger of the clause irritant of their saids Rights for not payment of their few and other dueties therein specified: And by the incurring of the certification contained in the Acts of Parliament set downe anent the payment by Vassels of their few dueties to their Superiours: The saids Estates for remedie hereof, and for eschewing of the prejudice and danger that may come hereby, findes and declares, that these Noble-men, Gentle-men, and others who by their Infeftments, Takes, and Rights, are debted in payment of few and Take dueties, or oblisht in fulfilling of any other conditions to the saids Archbishops, Bishops, Archdeacons, Deanes, or other benefited persons, members of their Chapters now abolished, as said is, are not, and shall not be *in mora*, for not payment of their saids dueties, and not fulfilling of the other conditions of their Rights: And that the clause irritant of their Infeftments, Takes, and other Rights shall not runne against them; Nor yet the certification of the saids Acts of Parliament militat against them; for not payment of their saids dueties, and not fulfilling of the other clause of the Rights during the intervall of time, betwixt the first day of April 1638. yeares, and sensyne, and in time coming, while order be taken by the Estates of Parliament, anent the way and manner of payment of the foresaid few and other dueties for the sayds Noble-men, Gentlemen, and others foresaid, their security for the payment thereof, and while the same order so to be taken by the Estates hereanent, be publickly notified to all the Lieges, notwithstanding of any clause irritant, contained in the foresaid Infeftments and Rights: And notwithstanding of the certification of the Acts of Parliament set downe against these who payes not their few dueties to their Superiours.

ACT

ACT XXIII.

ANENT VASSALS OF ERECTIONS, THAT They be not subject in double payment, nor the superiours defrauded of their few dueties.

THE Estates of Parliament conveyed by his Majestyes speciall Authority: Considering that whereas by the generall surrender of Kirke lands and erections, made by the Superiours and Titulars thereof, in favours of the Kings Majesty: It is specially provided, that the saids Superiours and Titulars notwithstanding their surrender foresaid, shall have right to the Few-firmes, and duties of the Vassals and Fewars of the said Kirk lands and erections, till the Kings Majesty make payment to them of the prices of the said Few-firmes, and duties modified by the Lords, and others of the Commission for surrenders and teinds. And siclike the Fewars and Vassals of the said Kirk lands and erections, are obliged by their new infestments under the great Seale, to pay the saids Few-firmes and duties to the Kings Majesty and His Successours: And so are lyable to double payment thereof, without remedee provided. It is therefore statute and ordained by the saids Estates, that the saids Fewars and Vassals of Kirke lands and erections, their heirs and successours, shall bee obliged to make thankfull payment of the saids Few-firmes, and duties, and services used and wont, contained in their Infestments, and whereof the saids Superiours and Titulars have bene in possession preceding that surrender foresaid to the saids Superiours and Titulars, their heirs and successours, aye and while they get payment of the prices modified by the saids Lords, and others of the Commission foresaid: And that Letters of horning and poinding shall be granted to that effect, without prejudice alwayes to his Majesty and his Successours, of the Superiority of the saids Fewars and Vassals surrendred in manner foresaid, and without prejudice to them of their infestments, taken to be holden of his Majesty and his successours: Like as it is declared, that the saids Fewars and Vassals of Kirke lands and erections, have bene in bona fide in payment of the saids Few-firmes and duties to the saids Superiours and Titulars of all termes by-gone, according to the provision contained in the said generall surrender.

ACT

ACT XXV.

APPOINTING ALL GRIEVANCES TO Be given in plaine Parliament.



THE Estates of Parliament presently conveyed by his Majestyes speciall Authority, considering that the Act of Parliament made in Anno 1594. in the 14. Parliament of King James the 6. cap. 218. whereby all matters and grievances to be given in to Parliament, are appointed to be given to his Majestyes Clerk of Register, and by him presented to the Estates, Hath bred great hurt, and prejudice to the liberties, and freedom of this Kirke and Kingdome, and Subjects thereof in time by-gone, as is evident by experience of the evils that hath flowd therefrom. Therefore, the saids Estates for remedee hereof, retreats, rescinds, casses, and annuls the foresaid Act of Parliament, and declares the same to be null and of none availe, force, nor effect in all time comming: And ordaines and appoints all grieyvances, and other matters that are to be handled and treated of in Parliament hereafter, to be given in, and presented in open and plaine Parliament in all time comming.

ACT XXVI.

FOR SUPPRESSING THE DISTINCTION Of spirituall and temporall Lords of Session.

THE Estates of Parliament presently conveyed by his Majestyes speciall Authority, casses, annuls, and rescinds that Article of the first Act of the fifth Parliament holden by King James the fifth, of worthy memory, Anent the institution of the Colledge of Justice, bearing, That the Lords of Councell and Session shall be chosen halfe spirituall, halfe temporall: And decernes and ordaines the whole number to be temporall and none of them spirituall: And the foresaid distinction of spirituall and temporall to be suppress and forgotten in all time comming.

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ACT.

ACT XXVII.

ACT AGAINST LIESING-MAKERS OF
Whatsoever qualitie, office, place, or dignitie.



He Estates of Parliament presently convened by his Majesties speciall Authoritie, Considering the Honour, Dignitie and Authoritie of the supreme Court of Parliament, over the Councill and Session, and all other civill Judicatories of this Kingdome, which have their originall, their power and antiquitie from the Kings Majestie and the Estates of Parliament, is subordinate thereunto, and ought to be countable and censurable by them, for their abusing of their power, to the prejudice of the Countrey: For the weale whereof they were established, according to the twelfth Act of the second Parliament of King James 4. wherein the Kings Councill was sworn in presence of the three Estates, to give his Highnesse a true and effauld Counsell, in all matters, concerning his Majestie, and his Realme; And to bee responsible and accusable to the King and his Estates of their Counsell, Considering also, that during his Majesties absence forth of this Kingdome, it is most necessar for the publick peace of this Kingdome, and his Majesties honour, that all mis-informers, raisers, and entertainers of jealousies, suspitions, and divisions betwixt the King, this Kirke and Kingdome, should be severely punished, and especially all bad Counsellors, who in stead of giving his Majestie a true and effauld Counsell, hath given, or will give information and counsell to the evident prejudice and ruine of the liberties of this Kirk and Kingdome, should bee exemplarily judged and censured by the Kings Majestie and the Estates of Parliament. Therefore they renew and revive all Acts of Parliament made against liesing makers, raisers and entertainers of jealousies, contentions, and divisions betwixt the Kings Majestie and this Kirk and Kingdome. And declares that no dignitie, qualitie, place, or office whatsoever shall exeeme these or any person whatsoever from the censure of the said Acts.

ACT.

ACT XXVIII.

ANNVLLING ALL UNLAWFULL AND
Unjust Proclamations made under the paine of treason,
against the disobeyers.



Orsomuch as the Estates of Parliament presently convened by his Majesties speciall authoritie, having taken to their consideration, that there hath been diverse unjust and unlawfull Proclamations made, commanding the obedience of things unjust and unlawfull, (tending to the overthrow and prejudice of the lawes and liberties of Kirke and Kingdome) under the paine of treason; As also declaring the disobeyers of these unlawfull and unjust proclamations to be rebels and traitours, which is against law, equity, and reason, no triall nor declaratour of treason having proceeded against them of before: Findes and declares all these proclamations, with the pretended Acts and warrands for making and proclaiming thereof, to be null and of none availe, force, nor effect, with all that hath followed or may follow thereupon: And therefore the saids Estates of Parliament casses and annulls the foresaids pretended proclamations, with all the said Acts and warrands whereupon the same proceeded: And findes and declares that no person nor persons can be declared traitours, but either by the Parliament it selfe, and by Act and Sentence thereof, or then by the lawfull ordinar Judge, after tryall, And finding that the saids persons hath contravened, a law and Act of Parliament made under the paine of treason against the disobeyers and contraveenars thereof.

ACT XXIX.

EXPLAINING THE PRECEDING ACTS
Of Parliament made against Bands and Conventions amongst
the Subjects, as also declaring the Bands and Conventions
made and kept since the beginning of the present
troubles, to be legall and lawfull.



Orsomuch as the Estates of Parliament presently convened by his Majesties speciall Authoritie, Considering that by the twelfth Act of the tenth Parliament of the Kings Majesties umwhile dearest Father, of eternall memory, All Leagues and Bands amongst the Subjects are discharged, and by the 131. Act of the eighth

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Parliament

Parliament of the Kings umwhile dearest Father, All Councils, Conventions or Assemblies without the Kings command or licence, are also discharged, under the paines ordained by the Acts of Parliament, against such as unlawfully convokes the Kings Lieges: And that also by sundry other preceding Statutes and Acts of Parliament made by his Majesties most noble Progenitors, the foresaid Leagues, Bands, Counsels, Conventions, and Meetings, are likewise discharged. And herewith also the said Estates, taking to their consideration what was the true end and meaning for making of the foresaid Acts, & how farre the same in equitie and reason can be extended, findes and declares that the foresaid Acts and Laws particularly and generally before exprest, is not, nor cannot bee extended against any Bands, Leagues, Counsels, Conventions, Assemblies, Committees, or Meetings, made, holden, and kept by the Subjects, for maintenance and preservation of the Kings Majestie, the Religion, Lawes, and Liberties of the Kingdome, or for the publick good, eyther of Kirk or State. But the said Estates findes and declares, that all these Bands, Conventions, Committees, and other meetings made and kept by the Estates and Subjects of this Kingdome, for the publike good of King, Kirke and State, and intended for the defence and preservation thereof since the beginning of these present troubles, are not prohibited nor discharged by the foresaids Lawes and Acts of Parliament, particularly and generally before rehearsed, nor none of them. And can no wayes be understood, nor interpret to fall within the compasse of the discharge and prohibition of the foresaids Acts, and doth no wayes contraveene the same, nor none of them. And therefore the said Estates ratifies, approves, and allowes all the saids Bands, Conventions, Committees, and other Meetings, which are, and have beene made and kept within this Kingdome, for the defence and preservation of the Kings Majestie, the Religion, Lawes, and Liberties of this Kirke, and Kingdome, since the beginning of the present troubles thereof. And declares the same to bee lawfull and legall deeds, and that they doe no wayes contraveene the foresaids Acts of Parliament *respective* above mentioned, nor none of them, nor no other Law, nor constitution of this Kingdome.

ACT XXX.

ANENT THE WARD AND MARRIAGE OF
These who shall happen to be killed in the defence
of the Religion and Liberties of
Kirke and Kingdome.



He Estates of Parliament presently convened by his Majesties speciall Authority, Taking to their consideration the prejudice that may come to these Subjects, who holds their lands ward of the Kings Majesty, or of any other Superiour whatsoever, and shall happen to be killed in the defence and maintenance

tenance of the Religion, and of the Laws and Liberties of this Kingdome, during the time of the present troubles thereof, hath statute and ordained, and hereby statutes, ordaines, and declares, that the profit and benefit of the ward marriage, none entresse, and reliefe falling by the decease of any of these who shall happen to be killed in manner and for the cause foresaid, with the whole commoditie that can follow upon the same, shall onely pertaine, and freely be given and disposed to the heires Relicke and Bairnes, of these who shall happen so to be killed as followes, *viz.* Where the Relicke and remanent Bairnes (by the heire) shall be found provided by the Defunct, Then in that case the whole benefite of the ward marriage, none entresse and reliefe shall solely belong to the heire. But where the Relicke and remanent Bairnes (by the heire) be's not found provided, in that case the benefite of the marriage shall onely pertaine to the heire, and the profite, commoditie, and benefite of the ward, none entresse, and reliefe shall be employed and used for the entertainment and maintenance of the Relicke and Bairnes unprovided: And also for the entertainment of the heire, if he have no other meanes for maintenance: And what is overplus by the Relicke and Bairnes, their entertainment foresaid, ordaines the same superplus to be employed for the provision of the said remanent Bairnes, by the heire unprovided, as said is. Providing alwayes, that the saids heires, and other persons foresaids, to whom the benefite of the saids ward, marriage, none entresse, and reliefe is appointed to pertaine in manner *respective* before rehearsed, Be's found not to have studden against the maintenance of Religion, lawes and liberties of Kirke and Kingdome, contrair to the late Covenant, ratified in this present Parliament: And also the saids Estates findes and declares, that the Kings Majestie, and all other Superiours whatsoever of the saids ward, holdings, shall be altogether seclused from the benefite of the foresaid ward, marriage, none entresse, and reliefe falling by decease of their Vassals, in manner, and for the cause before rehearsed.

ACT XXXI.

RATIFYING THE ACT OF THE LORDS
Of Session, made for supplying of the absence of the Signet,
and discharging the transporting thereof, or any other
Seale in time coming



HE Estates of Parliament presently convened by his Majesties speciall Authority, Ratifies and approves the Act of the Lords of Councill and Session made at Edinburgh the penult. day of *March*, 1639. yeares, whereof the tenour followes: The which day the Lords of Councill and Session, being petitioned by some of his Majesties

Majesties Lieges, to provide remed against the prejudice sustained by them through the exportation of the Signet out of this Kingdome: And thereupon taking unto their consideration the many great inconveniences redounding to this Realme, and whole Lieges thereof: And manifestly ensuing by the transporting of the Signet, not onely from the place of residence of the saids Lords, but out with the bounds of this Kingdome into *England* without any reason or example: Therefore after mature deliberation, they have statute and ordaines, and for remed of the said heave prejudice, statutes and ordaines, that all Summons, Letters, Charges, Suspensions, Signators, or other Writs whatsoever, which by the law and custome of this Realme useth to passe the said Signet, shall bee presented to *George Hadden*, writer to the Signet, and the ordinarie price due for the Signet, consigned in his hands, to bee made forth comming to the Lord Secretarie, and his keepers of the Signet in his name. Whereupon the said *George Hadden* shall marke the date of the said offer, beside the waxe at the place customably bearing the date of the Signet, and write thereupon these words (*marked by me according to Act and Warrant of the Lords of Session, and ordained to be a Warrant for execution hereof, or passing through the Seals, albeit it bee not signetted*) which words hee shall subscribe with his Signe and Subscription manuell: Which Summons, Charges, Letters, Suspensions, Signators, or Writs whatsoever so dated, and subscribed by the said *George Hadden*, shall have the same effect in all respects, as if the Signet were affixed thereto: And the saids Lords declares, that the same shall be a sufficient warrant to all keepers of Seals and Registers, Messengers of Armes, Pursevants, Heralds, or others persons whatsoever for passing of the saids writs through the Seals, execution of the saids Summons, Letters, Charges, and Suspensions, and doing all deeds incumbent to their office, such like and as ample and warrantable in all respects, as if the same had past the Signet, and that aye and while the said Signet bee returned againe to *Edinburgh*, and the same intimate to the Lieges: The said *George Hadden*, alwayes keeping and retaining the warrands, and making a minute and note thereof: And making the same, together with the prices payed therefore, forth-comming to the Lord Secretarie, or others in his name by his warrant: And ordaines these presents to be intimate to all his Majesties Lieges, by publike Proclamation at the market crosse of *Edinburgh* to be made hereupon: And these presents for the full warrant of the whole premisses, to be enacted and recorded in their books of Sederunt. Which Act, the saids Estates not onely ratifies in manner above specified: but also ordaines the said Act to stand in full force and strength, to the effect above-written, therein specified conforme to the tenour thereof foresaid, while the day of 1600. and years. And strictly inhibits and discharges all keepers of the Signet in any time hereafter, for any cause, or any pretended occasion whatsoever to transport or carry the Signet, or any Seale forth of this Kingdome under the pain of death, and confiscation of their moveable goods.

ACT.

ACT XXXII.

ACT DISCHARGING ALL CUSTOME OF Ammunition brought home to the lieges to their owne use for defence of religion and liberties of Kirk and Kingdome.



He Estates of Parliament presently convened, by his Majesties speciall authority, considering the priviledge and exemption bruiked by the Nobility and Barrons of this Kingdome; whereby they have bene excemed from payment of all custome, for goods imported to this Kingdome, for their owne use: And there-with-all; Taking to their consideration that the said exemption ought more especially be enjoyed, for the armes brought home, at this time to the Nobility, Barrons, and Gentry of this Kingdome, and all others his Majesties lieges whatsoever, for their owne use, for defence of Religion, Liberties of this Kirke, and Kingdome, in thir times of troubles, since the yeare of God 1637. Therefore statutes and ordaines, that all sort of Ammunition whatsoever, brought into this Kingdome, since the yeare of God 1637. or to be brought in hereafter, during the time of thir troubles, shall be free of all customes and imposition whatsoever. And inhibites and discharges all Customers, or whatsoever receivers thereof, of exacting any custome or imposition for any kinde of armes or ammunition already imported, or to be imported, during the time foresaid: And of all arresting or detaining the saids armes and ammunition, or any goods belonging to the Merchants importers thereof, for any custome acclaimed for the same: which the Estates finds no wayes due, nor reasonable to be granted in the case foresaid.

ACT XXXIII.

ACT FOR THE COMMITTEES OF ESTATES.

He three Estates of Parliament presently convened, having taken to their consideration the present estate of this Countrey and Kingdome, being invironed and threatned with armes, by sea and land, and great hostile preparations hatcht and prepared against the same, without any just ground or quarrell, whereby (as manifestly doth appeare) there is nothing lesse intended against this Church and Kingdome, nor an utter exterminion and totall destruction: So that the

the saids Estates are necessitate, and forced to put themselves in readinesse for a just and lawfull defence of the Religion, Laws, Lives, Liberties, and Countrey: and withall considering how necessar it is for the good of the publick, weal of the Countrey, and maintenance of the armies listid, and to be up-listid, and out-reiked both by sea and land, and for ordering, directing, and governing of the whole body of this Countrey, and Kingdome, That a setled, grave and solide Committee from the Estates be elected, nominate, constitute, and authorized by this present Parliament: which Committee from the Estates shall consist of a competent number, of the most able, qualified, and trustie Noblemen, Barons, and Burgeses of this Kingdome. Therefore the fore-said Estates of Parliament now convened, doe hereby nominate, elect, choose, and appoint the persons after specified, viz. *John Earle of Rothes, James Earle of Montros, John Earle of Cassils, John Earle of Wigtoun, Charles Earle of Dumfermling, William Earle of Lothian, John Lord Lindesay, John Lord Balmerino, James Lord Couper, Robert Lord Burghly, Archbald Lord Napeir, John Lord Lower, Sir Alexander Gibson of Dury, Sir John Hope of Craighall, Sir John Scot of Scotstarrowet, Senators of the Colledge of Justice, Sir Thomas Nicolson of Carnok, Sir Patrik Hepburne of Wauchton, Sir David Hume of Wedderburne, Sir George Stirling of Kier, Sir Patrik Murray of Elibank, Sir Patrik Hamilton of Littlepreston, Sir William Cunningham of Caprintoun, Sir William Douglas of Cavers, James Chalmers of Gadgirth, Sir Thomas Hope of Carse, Drummond of Riccartoun, Lesly of Forbes, Master George Dundasse of Maner, John Smyth, Edward Edgar, Thomas Paterson, Richard Maxwell, Merchants, Burgeses of Edinburgh, William Hamilton Burges of Lithgow, Master Alexander Wedderburne Clerk of Dundie, George Porterfield Baliffe of Glasgow, Hew Kennidie Baliffe of Aire, John Rutherford Provest of Jedburgh, Master Alexander Faffray, Burges of Aberdeene, or Master William Ore in his absence, James Sword Burges of S. Androes, and James Scot Burges of Montros, to bee Commissioners from the Estate, To whom the Estates and Body of this Present Parliament, gives, and commits full power, warrant, and commission to doe, order, direct, act, and put in execution every thing necessar, expedient, and incumbent, aswell for the preservation and maintenance of the armies, both of horse, and foot, by sea and land, as for ordering the Countrey, and whole body and inhabitants thereof, deciding of questions and debates, which shall happen to arise, or fall out in any businesse which shall occasion, or offer, in this Kingdome concerning the peace and quiet thereof, But prejudice of the Colledge of Justice, or any other ordinarie judicatorie within this Kingdome, lawfully established by Act of Parliament, which shall no wayes be prejudged by this commission, And with full power to them, to borrow, up-take, and levy moneyes for the use of the publick: and to give, and prescribe orders, and directions for depurging thereof, and for any other thing requisite which may concerne the good, quiet, and peace of the Countrey, And with power to them, to call and convene such Noblemen, Barons, Burgeses, and other countrey men, to repaire to them for*

for their counsell, and assistance in any businesse which shall occurre, as they shall finde necessar and expedient, And with power to them, to give orders and directions to collectors, commissioners, and all other persons, who shall happen to be employed, or have charge or place either in the army or in the Countrey in the publick busines, in every thing which concerne their place, and charge, and to call them to an accompt als oft as they please, and to appoint Auditours for hearing, and receiving thereof, (whether of their owne number or any other they please to nominate) and with power to them, to allow and disallow, as they shall find equitable, and expedient, for what ever the saids Commissioners shall either uplift and borrow for the publick use, or shall find due, by any compts, bands, bills of exchange, or other furnishing or debt already borrowed, and advanced for the use of the publick, either in money, victuall, or any other necessar furnishing whatsoever, the same compts being fitted and found lawfull by the saids commissioners and their auditors foresaid. The saids Estates declares that what shall be found due, or resting thereof shall be a lawfull debt, and burthen, which shall burthen and affect the saids Estates, who do hereby bind and obliſh them and their successors, to pay, relieve, ramburse, and defray the same: Like as the saids Estates of Parliament, doe hereby give and grant full power and warrand to the saids Commissioners from the Estate, to prescribe, injoyne and set downe rules, and wayes, for the defrayment of the same burthens, and for payment and reliefe thereof to the creditors, and others who lye, and shall lye under the burthen of the same, and that out of the readiest moneys, or other goods belonging to the publick, and Estate, or otherwayes by proportion, to impose the payment and reliefe thereof, upon the Estate, and inhabitants of the Countrey according to the rentals, rolls, and valuations of the rents of the Kingdome: And for that effect to revise, comptroll, fit and allow the whole compts of the common burthens, aswell already resting, owing by bands, contracts, bills of exchange, letters of credit, factorie compts, or otherwise, as which shall happen to be borrowed and resting, or owing hereafter: and having drawne the same to a totall summe, to cast a proportionall part thereof upon every sherifdome, presbyterie, parochin and burgh within this Kingdome, conforme to the saids valuations, And which sherifdomes, presbyteries, and burghs, shall divide the same among the particular persons, lyable therein, and that letters be direct in the ordinar manner, aswell for ingathering thereof, as for reliefe thereof, with certification, if the same or any part thereof shall not be payed, at the termes appointed, by the saids Commissioners auditors foresaid, The persons refusers, or delayers, shall not only pay anual-rent for the same, conforme to the Act of Parliament; but shall also pay ten marks for each hundreth markes failzie, With power likewise to them, as said is, to set down wayes for exsyses to be layed on vivers for the weal of the Countrey, and helping to relieve the burthens thereof, and maintenance of the Armie: And with power to them to give orders, instructions, and directions to all inferiour Committees, Shires, Burghs, Presbyteries, Stewartries,

Stewartries, Regalities, and others whatsoever within this Kingdome, in every thing which concernes the publick, and for the maintenance of the Armies, and other necessar employments through the whole Kingdome, in such forme and manner as the saids Commissioners, or so many of them as are a *Quorum*, in manner after-specified, shall direct and appoint: And generally with full power to them to doe all and fundrie other things requisite, anent the ordering, directing, managing, prosecuting, and executing of all affaires, and businesse of this Kingdome, which may or can conduce to the weale of this Kingdome, or any part thereof: And which ought, and should, or shall be needfull to be done by them, for maintenance and preservation of the Religion, and liberties of this Kingdome, anent the premisses: Without prejudice alwayes of the ordinarie Judicatories, as said is. And further, with power to the saids Commissioners of Estate, to nominate and constitute Commissioners, overseers, and all other officers, as well in the Armie as in the Countrey, so oft as occasion and necessity shall require, for maintaining of the Armie in every thing necessar, and for exercising and discharging of all other things needfull for the publick, through the whole Kingdome, (without prejudice of the generall Commissars gift) And it is hereby ordained that the forme and manner of the proceedings of the saids Commissioners of Estate, and the places of their residence *respective*, shall bee in manner after-specified, *viz.* There shall be two constant places of their residence, whereof the one shall be at *Edinburgh*, or any other convenient place, where they may most conveniently and safely sit and reside, and the other shall be constantly at the Armie, who shall keepe correspondence the one with the other, anent their proceedings. And it is ordained, that there shall be twelve of every Estate for both Committees, making eighteene for every Committee; and the *Quorum* to be thus, *viz.* Three of each estate, when the Estates are full, or any seven promiscuously, when any of the Estates keepeth not, and when any of the persons nominate upon this Commission shall decease, it shall be leifome to the most part of the *Quorum* of that Estate in *Edinburgh*, or at the Camp *respective*, to appoint any other of their owne Estate in place of the person deceasing, *viz.* The *Quorum* at *Edinburgh*, or other-where else, to nominate the person in place of the partie inlacking of the Commission appointed to reside at *Edinburgh* or other-where else: And the *Quorum* of the Committee at the Camp to nominate the person in place of the partie inlacking of the Committee at the Camp. And it is ordained that the forenamed Commissioners divide their numbers proportionally, and with such equalitie, as neither the Armie nor the Countrey at any time shall want a competent number, to sit and reside constantly for determining of all matters incumbent to them: And what ever the foresaid *Quorum* of persons at *Edinburgh*, or in the Countrey, or moe of them, and what ever the foresaid *Quorum* of persons, or moe of them being at the Camp shall determine, determine, and ordaine, in any cause, businesse, or debate incumbent to them, the same shall have the full strength of a valide and lawfull decreet

decreet and sentence, or what ever businesse, or conveniencie, shall be prescribed by the foresaid *Quorums respective*, or either of them, the same shall be as valide, as if it were done by the whole number; Providing alwaies, that none of the saids *Quorums*, either these who shall reside at *Edinburgh*, or these who shall be with the Armie severally by themselves, shall ingage in warre with any Nation, or make capitulation of agreement, without mutuall consent of the whole, at the least of both the *Quorums*. And because it is expedient, that the saids Commissioners of Estate have a sufficient trustie and able Clerke, for keeping of all the Records, Registers, Acts, Bands, Warrants, and other Papers whatsoever, which concerne the Publick, or the saids Judicatories: And the Estates of Parliament having reall experience of the trust, qualification, and ability of Master *Adam Hepburne* of *Humbie*, for discharging of the same office and place, Therefore the saids Estates of Parliament doe hereby create, nominate, and constitute the said Master *Adam Hepburne* to be Clerke to the saids Commissioners of Estate, and other of them, with all Priviledges, Liberties, Casualties, Fees, and Immunities belonging thereto: With power to him to substitute Deputes, one or moe, for whom he shall be answerable: To the effect, that either he, or his Deputes, may be alwayes present: So that none of the saids Judicatories be interrupted for want of Clerkes. Which Clerke foresaid, and his Deputes, shall have the trust, charge, and keeping of all the Papers, Registers, Records, and others foresaid, which concerne the Premisses, and the Acts, and Subscriptions of the said Clerke and his Substitutes, shall make as great faith as the Acts and Subscriptions, of any other Clerke within this Kingdome. The saids Commissioners and Clerks being countable to the Estates of Parliament: With power also to the saids Commissioners, or the *Quorum* residing at *Edinburgh*, or other where else, to convene the whole bodie of the Estates, when they shall finde necessity: And this Commission to endure aye and while the next meeting of Estates, either in Convention or Parliament: And that the same be discharged by either of them. And it is hereby declared, That if any of these whose turne falls to be present, shall be absent, by whose neglect the businesse may be disappointed, The saids *Quorums*, or any of them shall enjoyne such paines and penalties, either upon their persons or goods, as they shall find the saids persons of the said Committee to demerit for their absence from any of the said places *respective*. And because there will fall out in the camp a necessity either of treaties, consultations or publike declarations, to shew the reasons of the Demands and proceedings in the Assembly and Parliament, and the prejudices against either of them, The Estates ordaines Master *Archbald Johnston* Procurator for the Kirk, as best acquaint with these reasons, and prejudices, to attend his Excellence, and to be present at all occasions with the said Committee, for their further information and clearing thereanent, with power to any of the saids *Quorums*, to take the oathes of these who are presently absent for their faithfull, dutifull, and diligent endeavours in the performance of their duetie in the foresaid Commission: Like as it is hereby

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by declared, that the Generall his Excellence, and other generall Officers are hereby priviledged and warranted to be at the said Committee, as occasion shall offer.

ACT XXXIV.
ANENT THE COMMON RELIEFE.

Orfomuch as at the Convention of the Estates, holden in *Januarie* 1640. years, It was voluntarily offered, that for defraying of the common charges, and for other necessaries and urgent expences, every man should pay the tenth part of his yearly Rent, as well to Burgh as Land-ward, for the Cropt and yeare of God, 1639. conforme to the valuations to be made within and without Burgh *respective*: And for that effect did voluntarily oblige themselves thereunto, as the bands granted thereanent by the Heritours within the severall Presbyteries and Burghs more fully proportis: Which band and whole tenour thereof, the saids Estates now conveyed in Parliament, ratifies and approves in all points as the same is conceived, as well anent the payment of the said tenth part, as anent the retention of the proportionall part of the annuall Rent in manner therein exprest: And siclike, in respect that the burdens of the common charges daily increaseth, and that the Heritours to Land-ward, and Burgeses within Burghs beare the same, conforme to their rents, trade, house-mails, and others, whereby yearly profit and commoditie ariseth, without respect to their moneys: Therefore it is ordained, that the moneys or annuall rent, or life-rent shall beare an equall and proportionall burden with the said rents, trade, and house-mails by way of retention, as well for the foresaid tenth part, as in all other burdens, the Countrey is, or shall be put unto by generall order, and the termes of retention to be conforme to the termes of payment of the said tenth part, or of any other burden imposed, or to be imposed upon the said rents, trade, or others foresaid, after the proportion thereof shall be determined by the Commisshioners, Auditours of the accompts of the common burdens, appointed for that effect, untill which time no debtours shall have power to retaine any part or portion of his annuall rent or life-rent further then the said tenth part for the crop and year 1639. allanerly. And because the present expedition, or any other expedition hereafter requires advancement by the Heritours and Burghs, of the two part of the foote-men and horse-men their pay conforme to the rents and valuations of each Shire and Burgh which will be only in some Sherifdomes and Burghs: And to the effect that the burden may be equall through the whole Kingdome: Therefore it is ordained, that the said advancement and provision shall be put in compt by the Shire, Burgh, Regiment, or Company, who shall send out their men in the said expedition, or in any other expedition or service necessary, as the Councell of Estate and Generall shall command

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command, and the saids accompts, to be given in to the saids Commissioners Auditours thereof, who shall have power to comptroll, sit, or allow the same: Which compts being so fitted and allowed, shall be a part of the common burthen to be rambursed and allowed to the advancers thereof: And because a great part of the Presbyteries and burghs of this Kingdome have not as yet reported their valuations perfectly and rightly, done conforme to the generall order: Therefore it is ordained, that all the presbyteries and burghs within this Kingdome, who have not as yet made report of their saids valuations in forme and manner above-specified, shall report the same betwixt and the twenty day of June instant, be-fouth Tay, and betwixt and the first day of July next to come be-noith Tay, and that either under the hands and subscriptions of the sworne men, appointed within each presbyterie, testifying the same to be true upon their conscience and credit according to their knowledge after the most exact and true informations they could get, or otherwayes, under the hands of the heritors or magistrates, upon their consciences, and credit: or last, by the subscriptions of the heritors and magistrates their hands, but with this caveat, that what is concealed of land, rent, trade or other rent (whereby profit or commodity ariseth, or did arise the sayd yeare) the whole rent thereof, or the equivalent and availe of the same, shall be confiscated to the publick use, and the generall collector appointed to uplift and receive the same, and if need be, to pursue therefore. And (that no subterfuge and concealment be used in valuations) it is appointed, that all land, trade, shipping, salmond-fishing, and other yearly commodity whatsoever, whereby profit did arise the sayd yeare, shall be fully and truly given up without partiality, as the up-givers will either be answerable on their consciences, or the heritors upon the hazard of confiscation. And likewise it is ordained, that all money whatsoever, which payes annuall rent to any person not lyable in the foresaid contribution, shall pay a proportionable part of their sayd annuall rent to the publick use, as the same shall be imposed, as well for the said tenth part as for the burthens hereafter to be imposed: And for that effect, the valuers to take particular notice of such summes, and in case any delay or refuse, to send in their saids valuations to the Clerk of the same at *Edinburgh*, betwixt and the saids dayes *respective*, in that case it is declared, that the delayers or refusers shall be esteemed and valued conforme to their retoures or otherwayes, as the Committee at *Edinburgh* shall thinke fit, and a proportion layed on accordingly, which they shall be holden to pay without any deduction or favour in time coming: And such like for in-bringing of the monys, conforme to the saids valuations, it is appointed, that there be collectors chosen in every presbyterie (where there are none chosen as yet) by the Gentle-men and heritors, and that the Commissioners of shires see the same done, and cause the saids collectors (to be chosen) subscribe bands for doing of their diligence, and making payment of the collection to the generall collector, and send the same into *Edinburgh* to him. And where the valuations are already brought in, and collectors already made, it is ordained, that the saids collectors shall
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50 THE SECOND PARLIAMENT. Act 34.
 with all possible diligence, send all the money they have to the principall Collector at *Edinburgh*, and shall use all possible diligence for the rest, and give in their diligence to the said principall Collector, With certification, if any, lyable in payment of the said tenth part, shall not pay to the said Collectors the summes due by them, conforme to the said valuations, the said principall Collector or his deputies shall use all lawfull execution against them, where the bands are subscribed, and where the bands are not subscribed, they shall be repate, and used as non-Covenanters: And to take away all objections for not paying of the said tenth part, it is appointed, that every Presbyterie and burgh shall send in their moneys, due for the tenth part, without deduction of any part of it, except what is allowed for paye to their officers before the first of *February* last, and prices of victuall delivered to Commissars, for the publick use, or by warrant from the Committee: And if they have not ready money, they shall borrow the same, from any person or persons to burgh or land-ward, where it may be had upon their owne security: And if any person or persons, of whatsoever ranke, degree, or calling, shall refuse to lend the same (reserving alwayes so much thereof, as may reasonably serve his owne private use, and his family, according to his estate and quality) upon the said security, It shall bee liefome to them, to convene them before any ordinary Judge, or Committee of the shire, or Presbyterie: Which being lawfully proved, by writ, witnesse, or oath of party, that they have money, and refuse to lend the same, They shall be holden, as opposites to the common cause, and the money to bee confiscate, the one halfe to the apprehenders, and the other to the publick use: And because there is a present necessity of moneys, by and attour the said tenth part, Therefore it is appoynted, and ordained, That every presbyterie within this kingdome shall lend to the publick use, the twentieth part of the rent, contained in the valuations, and that by and attour the said tenth part, upon declaration and Act to bee made by the Committee from the Estates, that the same is given and lent by them for the publick businesse, to bee repayed, together with the annuall rents thereof, when a common course is laid downe, and prosecute for reliefe of the common burthens, to bee ended with all possible diligence: And the furthest shires to retorne their bands or money betwixt and the first day of *July* next, Or other wayes it shall bee liefome to the said Committee, from the Estates, to find out the money in manner, and with certification foresaid, and to designe to the havers of the said money any Noble-men, Gentlemen, Burgeses, or substantiall wealthy men, within each presbyterie, one or moe, who shall be obligat to give band or security to the said lenders, for repayment thereof, and annuall rents for the same, in the ordinary forme, the summe not exceeding the said proportion of the said twentieth part of the valuation of the said presbyterie. For reliefe of the which persons, one or moe who shall give band or security foresaid, the whole heritors of the said presbyterie, as well to burgh as land-ward, shall be bound, conforme to the proportion of their rents and duties: and for that effect, shall have action of reliefe against them, in case

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 in case of distresses: And such like, it is declared, That all the Bands, Contracts, and other oblistments for summes of money already borrowed for the publick use, shall be relieved and payed by all the heritors within this Kingdome, as well to Burgh as land-ward, conforme to the valuations proportionally: And that these, who have subscribed the saids bands, contracts, and other oblistments, foresaid, shall have their reliefe of the whole Shires and Burghs, conforme to the severall proportions, as well these who have subscribed, as these who have not subscribed the saids bands and other foresaid: And where the valuers and collectors, chosen, or to bee chosen, refuse to go on and perfect the saids valuations, or collect the tenth part in manner above specified, in that case they or any of them shall bee holden and repate as enemies to the common cause, without prejudice alwayes, in case after their sayd refusal, to the heritors and magistrates, to doe any of the other two alternatives, and in case the sayd Heritors or Magistrates delay after the saids dayes *respective*, the foresayd certification to be vailde against them in manner foresaid: And it is hereby declared, that if any person or persons within or without Burgh shall upon their oathes declare to the saids Valuers or Auditours, that they pay annuall rent to strangers, dwelling without this Kingdome, of whom they cannot have the retention of the proportionall part of the contribution due out of the said annuall rent, in that case the saids valuers or auditours shall default proportionally to the saids person or persons contribution of their trade, craft, rent, and estate, as they shall finde agreeable to equity and reason. And such like, it is hereby declared that this present Act, nor no clause therein shall bee any ground of Suspension to any debtour for retention of the principall summes adebted by him, and by-rin annuall rents: But that every creditour may sute, crave, and charge for the same after the day of payment, as accords of the law: As also it is statute and ordained, that these debtors who shall not pay their annuall rents termly at least within six moneths after each terme of payment of the said annuall rent, shall have no retention of the said proportionall part of the said contribution. And such like, it is hereby declared, that this present manner of stenting for the said collection and contribution shall no wayes prejudice any person whatsoever in succeeding taxations; But that every mans right and claime anent the prejudice may arise concerning the same and manner thereof, whereby any man can instruct, enorme lesioun, and that he was unequally stented, Is hereby specially reserved *hinc inde*. And last, It is statute and ordained, that the Lords of Session shall bee Judges to all Suspensions to be raised in the said collection and contribution in such forme and manner as they are, and have been in matters of taxation.

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ACT XXXV.

ORDAINING SUMMONDS TO BE DIRECT and execute against the persons, who are culpable of the crimes and faults, contained in the Act; to compare before the next Session of Parliament.

THE Estates of Parliament conveyed by his Majesties speciall Authority, Considering the present strait and exigencie, menacing the ruine of this Kingdome, and how necessary it is, for preventing thereof, that these who have bene the authors, or are the maintainers and assisters of these courses that are destructive to the liberties of this Kirk and Kingdome, and that either by their false suggestions and calumnious relations of the Estates of this Kingdome, and their proceedings to his Majestie, or by their comming in Armes against this their mother Countrey, and contributing to further our Adversaries in their intended and professed plots and violences, for the subduing and destroying this Kingdome, or by their rising in Armes within the Countrey, fortifying and keeping of Castles, and houses against the Estates, who defend the Countrey against all forraigne invasions and subjection, or by deserting their native Countrey in such an extreame necessitie, and with-drawing from them all the assistance they can: That all these and others in the like condition be distinguished, and censured according to the severall degrees of their transgression against the State and Kingdome; Therefore they grant full power and warrand to the Committee, which is to sit at *Edinburgh*, for to direct in their name precepts to the *Lion* King of Armes, and his brethren Heralds and Messengers, to passe, warne, and charge in name of the saids Estates, the persons underwritten:

And all others whom the said Committee upon like probable grounds can suspect to have been the Lising-makers, and tellers, and false accusers of the States of this Kingdome, and their proceedings to the Kings Majestie, as seditious, rebellious and treasonable, to have bene the instigatours, framers, and up-drawers of the strange Proclamations, and Declarations made against his Majesties Subjects and Estates, as Rebels and Traitors, or to have risen, or rise in Armes, and concur with the adversaries, for subduing of this their native Countrey, or to fortifie, keepe, or detaine Strengths, or Castles against the Estates of this Kingdome, who stand to their Covenant,

for

for defending their Religion, Crown, and Countrey, Or wittingly and willingly to with-draw their assistance from their mother Countrey, in this extremity, and contribute their help and countenance to the adversaries, and all others who are either authours, abettors, maintainers, or suppliers, or art and part, or have any hand in countenancing and concurring with our adversaries, to the subduing and destroying of this Kingdome, and especially these that have seemed to joyne with us, and have subscribed the Covenant, for to compare personally on day at *Edinburgh* before the Parliament at the next Session thereof, to answer unto these and all other crimes of that kinde, which may be layed to their charge, and that under the paine of treason and forefaultrie for their contumacie, in case of not compareance; Like as the Estates declares that these precepts being subscribed by the *Prases* and *Quorum* of the Committee foresaid, shall bee as sufficient, as if they were subscribed in Parliament.

ACT XXXVI.

IN FAVOURS OF THE KINGS VASSELLS of ward-lands, recommending their prejudice by the Act Anno 1633. to the consideration of the next Parliament, and in the meane time while then, suspending the force and execution of that Act.

THE Estates of Parliament presently conveyed by his Majesties speciall Authority, Taking to their consideration the bounty and benevolence of the Kings Majesties most noble Progenitors, King *James* the second, and King *James* the fourth, giving their Vassels liberty to set ward-lands few: And likewise considering how the Kings Vassels of ward-lands are fecluded from that benefite by the Act 1633. which seemeth to be done by mis-information of the Kings Majesty, and contrary to the intention of the Parliament, to debarre the Subjects of the bounty and benevolence of the Kings Majesty towards them, which was formerly granted by his Progenitours, Recommendeth the serious consideration hereof, with the meaning and intention of the Kings, and the Estates, in setting downe of the foresaid Acts, and how farre the same Acts can be extended to the prejudice of the Vassels (the Act Anno 1633. being only a ratification of a former Act made in favours of the Subjects, and appointing the same to be extended to lands holden of the King and Prince, and not a direct Act for these lands) to the next meeting of the Parliament: And in the meane time, while the determination thereof, the Estates suppresses and suspends the force and execution of the Act 1633. against the Kings Vassels of ward-lands, and exemes them from that Act during the said *interim*.

ACT XXXVII.

APPOINTING THE FEES FOR THE
Procurator, the Clerk, and Agent
for the Kirk.

THe Estates of Parliament presently convened by his Majesties speciall Authority, Taking to their consideration, the desire of the last Assembly, and the supplication of the Commissioners of the Kirk, craving that the Advocate for the Kirk, the Clerk of the Assembly, and the Agent for the Kirk, may be provided to Fees and Pensions, for their service in that charge out of the Kirk rents belonging to the late Bishopricks, as they have had their Pensions payed to them out of the same, since the Reformation. For the Procurator of the Kirk had assigned to him foure last, halfe last cost, extending to six chalders twelve bowles meal and malt out of the readiest duties of the Bishopricke of *Orkney* yearly: In place whereof, after the restitution of Bishops *Anno 1606.* there was five hundred pounds ordained to be payed out of the Kings Checker to the Advocate for the Kirk: Like as the Clerk of the generall Assembly, since the Reformation, and before the restitution of Bishops, and by the Bishops themselves, conforme to their Band in *Janu. 1610.* yeares, had five hundred markes payed to him yearly, and the Agent for the Kirk had a continuall pension payed to him out of the Kirk rents for his charge. And herewith also, the said Estates considering the necessitie of the saids Officers of Advocate, Clerk, and Agent for the Kirks businessse, with the weight of that charge, and continuall attendance requisite thereto, ordaines, and appoints the summe of a thousand markes of Fee and Pension to be payed yearly to Master *Archbald Johnston* present Advocate for the Kirk, and to his successours, chosen and appointed by the Assembly in that place for the Fee of that charge, as Procurator for the Kirk, and the summe of five hundred markes to be payed yearly to the said Master *Archbald Johnston* as present Clerk to the generall Assemblies of the Kirk, for the Fee and Pension of that office, and to his Successours chosen and appointed by the Assembly in that place, for the discharge thereof and service thereintill: And the summe of other five hundred markes of Fee and Pension yearly to be payed to Master *Robert Dalgleish* present Agent for the Kirk, and to his Successours chosen and appointed by the Assembly in that charge. And in respect, that the Advocate, Clerk, and Agent for the Kirk, must have their continuall residence at *Edinburgh*, for attending the affairs of the Kirk, and that the saids Fees and Pensions ought to be payed out of the Bishops rents, and that the saids officers, should be payed thereof, out of the nearest and most commodious rents, belonging to

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to the saids Bishopricks, Therefore the saids Estates, ordaines the saids fees and pensions to be payed to the saids present officers, and to their successours *respective*, in that charge out of the readiest of the few duties, and out of the quotes of Testaments of the diocesse of *S. Andrews, Glasgow, and Edinburgh*, according to the proportion and division to be determinate and set down, by the Committee, from this present Parliament appointed to remaine at *Edinburgh*: and ordaines the foresaid fees, to be payed conforme to that division by the heritors, sewars, fermors, and others adebted in payment of the few duties of the saids three Bishopricks, and by the collectors, and intrometers with the saids quotes of Testaments: And also ordaines the Lords of Session to direct letters on this present Act, and upon the determination and division of the said Committee, at the instance of the Advocate, Clerk, and Agent for the Kirk, present and to come, for payment to them yearly, of their saids fees and pensions above-specified. And because that the present Procurator, Clerk, and Agent, have been serving the Kirk, in these places these two yeares by-gone, without receiving their fees otherwayes due to them, and that the rents of the saids two yeares, are yet untaken up, by the pretended Bishops of *Edinburgh, Glasgow, and S. Andrews*, but are restand in the tenants and collectors hands, Therefore they ordaine their entrie of payment, to be to the crop and yeare of God, 1638. yeares.

ACT XXXVIII.

ORDAINING THE WHOLE SUBJECTS
And Lieges of this Kingdome to obey; maintaine,
and defend the Conclusions, Acts and Constitutions
of this present session of Parliament, and to
subscribe the band appointed for that effect.

IN the Parliament holden at *Edinburgh*, the eleventh day of *June 1640.* yeares, the Estates of Parliament presently convened, by his Majesties speciall authority, Considering that whereas, after many petitions and supplications given in and presented to his Majesty, and the Lords of his secret councill, by divers of the Nobility, Barons, and Burgesss of this Kingdome, for granting a free Generall Assembly and Parliament, for reforming of many great abuses and novations, tending to the overthrow of the true reformed Religion, and undoing of this Kirk and Kingdome, devised and brought in by the late pretended Bishops, who by their subtle practises, during his Majesties absence, these many yeares, had ingross in their persons, all the Ecclesiastick and civill Power of this his Majesties ancient and native Kingdome; It was granted by his Majesty, out of his Royall Justice, and accorded

56 THE SECOND PARLIAMENT Act 38.
 ded by the Articles of Pacification, made at his Majesties camp in the moneth of *June*, 1639. yeares last by-past, that a free generall Assembly and Parliament should be indicted by his Majestie, and that all matters Ecclesiasticall should be determined by the Assemblies of the Kirk: and matters civill, by Parliaments, and other inferiour Judicatories, established by Law: And that according thereunto, his Majestie did indict an Assembly to be holden at *Edinburgh*, the twelfth of *August*, and a Parliament for ratifying the Conclusions of the same assembly, and setting down such other things as might conduce to the peace and good of the Kingdome, To be holden at *Edinburgh* the twenty sixth of *August* last by-past. In the which assembly, the matters concerning the puritie of the true reformed Religion, and peace of this Kirk, after great debate, delays, and protracting of time, made by *John Earle of Traquaire*, his Majesties Commissioner, being at length concluded upon the day of *August*, 1639. yeares; the Parliament sitting down, immediately thereafter, upon the penult day of the said moneth of *August*, the ratifications of the Conclusions of the same assembly, and many other matters of great importance, conducing necessarily to the settling of the peace of this Kingdome, being proponed in Parliament, were likewise shifted and delayed, and the closing of the Parliament protracted from time to time, unto the day of *November* last by-past: At the which time, the said *John Earle of Traquaire* did take upon him without the consent of the Estates, to prorogate the foresaid Parliament, to the second day of *June* instant, not only contrary to the Articles of Pacification, but also to the prejudice of the Liberties of the Parliament: for preservation whereof, the saids Estates were forced to make a declaration in Parliament against the same: And that albeit since the said day of *November*, unto this time, the saids Estates have used all possible meanes to give his Majesty full satisfaction, both by their peaceable carriage at home; and by sending their Commissioners to acquaint his Majestie with all their just desires, and the reasons thereof, yet they have not onely received no answer, but upon the contrary, their proceeding in the said Parliament, being untruly related, by the said *John Earle of Traquaire*, have been condemned as Rebellious without hearing, And our Commissioners sent for clearing thereof, all restrained in private houses for a long time, and *John Lord Lowdown*, being one of them committed to the *Tower*, where he is still detained prisoner: The Castles of *Edinburgh*, and *Dumbartane* have in the meane time bene fortified and provided with all sort of Ammunition, in great abundance, and Garisons of Souldiers, (not being natives of this Kingdome) put therein, the Garison in the Castle of *Edinburgh*, daily killing diverse of the inhabitants of this Citie, and spoiling their houses with musquets and great Ordnance: all ships belonging to this Kingdome arrested in *England*, and *Ireland*: and many of them coming from other places, layed waite for, and taken by the way: their owners and passengers

Act 38. OF KING CHARLES. 57
 gers spoyled of their goods and apparell, layed in the yrons, and barbarously abused: A Commission granted to the Generall of the *English* forces by sea and land, to kill, destroy, and subdue this whole nation, a printed Declaration put forth, denouncing war against it, perswading, exhorting, and provoking the other two Kingdomes to grant subsidies, and take Armes against the inhabitants of this Kingdome as traitours and rebels: And the Parliament of *Ireland* hath proceeded so farre as to declare them to bee such: All which they have hitherto endured patiently, and thereby given an evident demonstration to the world of the loyalty of their affections to their Sovereigne, which no extremitie shall ever make them to forget: And now being prest by the present exigence of the Estate of this Kingdome, and bound by the necessity of that naturall duety they owe to themselves and their posterity, to provide for the safety of the Common-wealth, and their owne, and timously to prevent the utter ruine of this Nation, which can no longer subsist under so great a burden, That time appointed being come, to the which the Parliament was prorogate, and no advertisement come from his Majestie to them anent any course to bee taken, for remeeding of the great disorders, they being the great Councell of the Kingdome, could not bee altogether so forgetfull of themselves, and deficient to their Countrey, as to suffer this Parliament, which they had so often petitioned from his Majestie, which was conditioned and accorded by the saids Articles of Pacification, and indicted by his Majesties Authority, to bee deserted and expired without any conclusion to the good of the Common-wealth in so great extremity: But rather, thought themselves bound in conscience and duety to proceed to the determination of such matters as are necessary for the establishing of the peace of this Kirk and Kingdome, as being the expresse and speciall ends of all their Supplications, and agreeable to the saids Articles of Pacification, without trenching any wayes on Sovereignitie, or derogating in any sort from his Majesties Royall Authority: but on the contrary, only looking first upon the constitutions of the generall Assembly, past in presence of his Majesties Commissioner, and the necessary consequences thereof, and then providing remedies for the present evils of the Kingdome, by removing the cause, and establishing necessary conclusions for preventing the like hereafter: In doing whereof, as they have proceeded uprightly in the way of Justice, and with all due reverence, and regard to his Majesties Authority, and thereby have stopped the calumnious mouthes of their adversaries, so they rest assured, that his Majesty after due examination of their proceedings, finding the same agreeable to the fundamentall lawes and customes of this his ancient and native Kingdome, and no wayes repugnant to Monarchicall government, will out of his Royall Justice and goodnesse give his full consent thereunto, And thereby totally remove and extinguish all ground and occasion of controversie against his faithfull and loyall Subjects, restore this Kingdome to a perfect and solid peace, which they pray the LORD to put in his Majesties Royall Heart, that he may long and prosperously reigne over

over them. And on the other part, considering from by-gone experience how malicious and diligent their adversaries will be to calumniate these their proceedings, and by their suggestions to the Kings Majesty, and to the Lieges, to kindle and entertaine factions and divisions thereanent, and how necessary it is for the safety and peace of this Kirk and Kingdome, that the members of both doe unanimously with heart and hand testifie by their subscription their resolution, and obligation to acknowledge this Parliament so often desired by their petitions and supplications, and convened by his Majesties solenne indiction, according to the Articles of Pacification, to be a free, lawfull, and necessarie Parliament, and to obey, observe, and maintaine the same for themselves constantly and faithfully, and to the uttermost of their power, to joyne and concurre, in their severall stations and callings, with others to advance, further, and assist the execution, obedience, and observing of the Acts and Constitutions of this present Parliament, as the most fit and necessarie remedies of the by-gone and present evils and distractions of this Kirk and Kingdome, and for preservation of the Religion, laws and liberties thereof, and of his Majesties Authority, and that in the first Parliament which shall be holden hereafter within this Kingdome, and at all other occasions, against any opposition whatsoever, except in so farre as shall hereafter be thought fit and expedient by the common advise and consent of the Estates. They have ordained, and ordaines the Band under-written, to be subscribed by all the Members of Parliament present and absent, and by all Noble men, Barons, Burgeses, and all other Subjects and inhabitants of the Kingdome, in their Shires, and Burghs, as they shall be directed by the Commissioners of Parliament left at *Edinburgh*, and to be reported to the Clerk, betwixt and the first day of *September* next, with certification, that such as refuse, or post-pone, and delay to subscribe the same, shall be holden as Enemies and Opposites to the common Cause, consisting in the maintenance of the true reformed Religion, and of the laws, and liberties of this Kingdome, and his Majesties Authority.

WE Noble men, Barons, Burgeses, and others, under subscribers, Considering how necessarie it is to establish our Union in the preservation and maintenance of the Religion, Laws, and Liberties of this Kingdome, and of his Majesties Authority, and to prevent all factions, contentions, and divisions, which may arise in prejudice thereof, from malicious suggestions and mis-informations of our adversaries, doe all, and every one of us with our heart and hand testifie and declare our Resolution and Obligation, (for the reasons and causes at length exprest in the Act of Parliament immediately preceding) to acknowledge the foresaid Parliament to have been, and to be a free and lawfull Parliament. Like as we binde and oblige us, and every one of us upon our honours and credit, and as we desire to be, and to be holden true lovers of our Countrey, and of the Religion, laws, and liberties thereof, effauldly and faithfully to the uttermost

termost of our power, To joyne and concurre with our persons and estates, every one of us according to our severall stations and callings, in the maintenance of the freedome and lawfulness of the foresaid Parliament, and in the advancement, furtherance, and assistance of the execution, obedience, and observation of the Acts and Constitutions thereof, as the most fit and necessarie remedies of the by-gone and present evils and distractions of this Kirk and Kingdome, and for the preservation of Religion, laws, and liberties thereof, and of his Majesties Authority, and that in the first Parliament, which shall be holden hereafter within this Kingdome, and at all other occasions, and against any opposition whatsoever, except in so far as shall be hereafter thought fit and expedient, by the common advise and consent of the Estates. In witnesse whereof we have signed and subscribed these presents with our hands, At, &c.

ACT XXXIX.
DECLARING THE PARLIAMENT
Current, and continuing the same while the nineteenth
of November next.



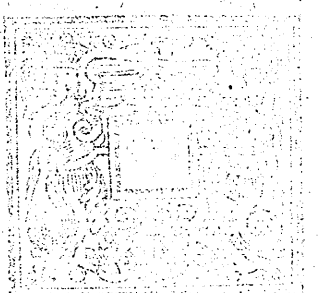
The Estates of Parliament presently convened by his Majesties speciall Authority, Continues this present Parliament, and all matters and actions belonging thereto, while the nineteenth day of *November* next to come: At the which day, ordaines the whole Estates to be present, and to attend at *Edinburgh*, or where it shall happen the same to be appointed to be holden for the time: And in the meane time declares the same Parliament to be current to the day foresaid: And ordaines the whole Acts and Statutes concluded in this present Session of the said Parliament, to stand and have the force and strength of Laws, such like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And ordaines the same to be published and printed, notwithstanding of the continuation thereof to the day foresaid.

ACTS

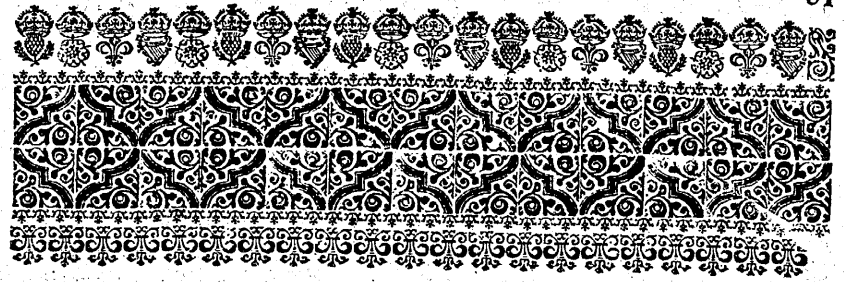
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Act. I.



ACTS DONE AND PAST AT EDINBURGH, NOVEMBER The nineteenth 1640.

ACT ANENT THE ELECTION OF
Robert Lord Burgly to be Prefes of this meeting
of Estates in Parliament.

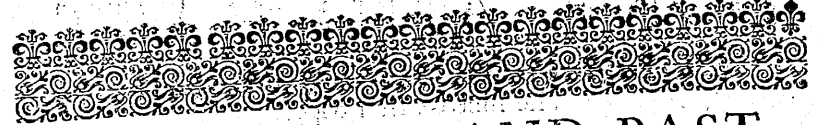
THE Estates of Parliament presently convened by his Majestyes speciall authoritie, this nineteenth day of November 1640. years. To the which day the Parliament was continued by the last Act of the last Sessio thereof, the 11. of June 1640. did unanimously elect and choose *Robert Lord Burgly* to be President of this their meeting of Estates in Parliament.

ACT I.
ACT ANENT THE CONTINUATION
Of the Parliament, to the 14. of Januarie 1641. years,
with continuation of daies.

THE Estates of Parliament presently convened by his Majestyes speciall authoritie, yet as of before, continues this present Parliament, and all summonds and actions intended or depending, with all other matters belonging to the said Parliament, to the fourteenth day of Januarie next to come, with continuation of dayes. At the which day, or sooner, as the Committee of Estates and Quorums thereof, both in the Countrie and at the Armie, shall appoint, Ordaines the whole Estates to be present, and to attend at Edinburgh, or where it shall happen the samine to be appointed to be holden for the time. And in the mean time declares the said
F Parliament

62 THE SECOND PARLIAMENT ACT 2.

Parliament to be current to the day foresaid. And ordaines the whole acts and statutes made and concluded in plain Parliament, in the last session thereof, in June last by-past, to stand and have the force and strength of laws and acts, conforme to the tenours thereof, such like as any acts and statutes of any preceding parliaments in any time by-gone: And namely (but prejudice of the generalitie foresaid) the act of Committee of the Estates, to stand in full force ay and while it be discharged by the Estates. And ordaines the foresaid acts, with the act of election of the said Robert Lord Burghly to be Preses at this meeting of Estates, together with this present act of continuation, to be published and printed, conforme to the last act of continuation, bearing date the eleventh of June last, notwithstanding of this present continuation of the Parliament to the day above-written.



ACTS DONE AND PAST AT EDINBURGH, Januarie 14. 1641.

ACT ANENT THE ELECTION OF Robert Lord Burghly to be Preses of this meeting of Estates in Parliament.

THE Estates of Parliament presently convened by his Majesties speciall authoritie, this fourteenth day of Januarie 1641. years: To the which day the Parliament was continued by the last act of continuation thereof, dated the 19. of November 1640. years, did unanimously elect and choose Robert Lord Burghly to be President of this their meeting of Estates in Parliament.

ACT II.

ACT ANENT THE CONTINUATION Of the Parliament to the 13. day of April, 1641. years, with continuation of daies.

THE Estates of Parliament presently convened by his Majesties speciall authoritie, yet as of before, continues this present Parliament, and all summons and actions intended or depending, with all supplications, grievances, and other matters belonging to the said Parliament, to the thirteenth day of April next to come, with continuation of dayes: And that for satisfaction of his Majesties gracious desire, signified by his Majesties letter directed to the

Act 2. OF KING CHARLES. 63

the Estates to that effect, bearing date the last of December 1640. And also for sundry grave and weighty considerations, concerning the weal of the Estate, Kirk, and Kingdome, known to the Estates. At the which 13. day of April, ordains the whole Estates to be present, and to attend at Edinburgh, or where it shall happen the famine to be holden for the time, But prejudice alwaies of the power granted to the Comittees of Estate, contained in the Act of this present Parliament made thereanent, dated the 11. day of June last, and mentioned in the last Act of continuation thereof, bearing date the 19. of November 1640. And in the mean time, the Estates declares the said Parliament to be current to the effect above-written unto the day foresaid, with continuation of dayes, and ordaines the whole Acts and Statutes made and concluded in plaine Parliament in that Session thereof in June last by-past, together with all former Acts of continuation made by the said Estates, to stand and have the force and strength of Laws and Acts, conform to the tenours thereof, such like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generalitie foresaid) the Act of Committee of the Estates to stand in full force in all the clauses thereof, aye and while it be discharged by the Estates, And ordaines the foresaid Acts, with the Act of Election of Robert Lord Burghly, to be preses at this meeting of Estates, together with this present Act of continuation, to be published and printed, conforme to the last Act of continuation of the date foresaid, notwithstanding of this present continuation of the Parliament to the day above-written.



ACTS DONE AND PAST AT EDINBURGH, Aprill 13. 1641.

ACT ANENT THE ELECTION OF Robert Lord Burghly to be President of this meeting of Estates in Parliament.

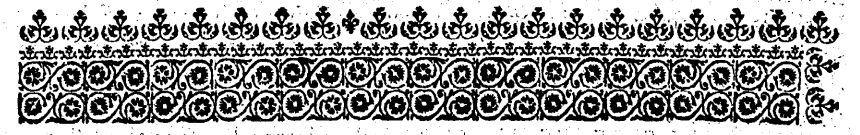
THE Estates of Parliament presently convened by his Majesties speciall Authority, this 13. day of April, 1641. years: To the which day the Parliament was continued by the last act of continuation thereof, of the date the 14. day of January 1641. yeares, Did unanimously elect and chuse Robert Lord Burghly to be President of this their meeting of Estates in Parliament.

ACT III

ACT ANENT THE CONTINUATION OF The Parliament to the 25. day of May 1641. yeares, with continuation of dayes.

THE Estates of Parliament presently convened by his Majesties speciall authoritie, yet as of before, continues this present Parliament, and all summons and actions intended or depending; with all supplications, grievances, and other matters belonging to the foresaid Parliament, to the twenty fifth day of May next to come, with continuation of dayes: And that for satisfaction of his Majesties gracious desire signified by his Majesties letter, direct to the Estates to that effect, bearing date 23. March 1641. And also for sundry grave and weighty considerations, concerning the weal of the Estate, Kirk, and Kingdome, known to the Estates. At the which twenty fifth day of May next to come, ordaines the whole Estates to be present, and to attend at Edinburgh, or where it shall happen the same to be holden for the time; But prejudice alwayes of the power granted to the Committees of Estate, contained in the Act of this present Parliament made thereanent, dated the eleventh day of June last, and mentioned in the two last Acts of continuation thereof, the one bearing date the 19. of November 1640. and the other bearing date the 14. of January last by-past 1641. And in the mean time, the Estates declares the said Parliament to be current to the effect above-written unto the day foresaid, with continuation of dayes, and ordaines the whole Acts and Statutes made and concluded in plaine Parliament in that Session thereof in June last by-past, together with all former Acts of continuation made by the said Estates, to stand and have the force and strength of Laws and Acts, conform to the tenours thereof, such like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generalitie foresaid) the Act of the Committee of Estates to stand in full force in all the clauses thereof; aye and while it be discharged by the Estates, And ordaines the foresaid Acts, with the Act of Election of Robert Lord Burghlie, to be preses at this meeting of Estates, together with this present Act of continuation, to be published and printed, conforme to the last Act of continuation of the date foresaid, notwithstanding of this present continuation of the Parliament to the day above-written.

ACT



ACTS DONE AND PAST AT EDINBURGH

May 25. 1641.

ACT ANENT THE ELECTION OF Robert Lord Burghly to be President of this meeting of Estates in Parliament.

THE Estates of Parliament presently convened by his Majesties speciall Authority, this 25. day of May, 1641. yeares: to the which day the Parliament was continued by the last act of continuation thereof, of the date the 13. day of April 1641. yeares foresaid, Did unanimously with one uniforme consent, elect and chuse Robert Lord Burghly to be President of this their meeting of Estates in Parliament.

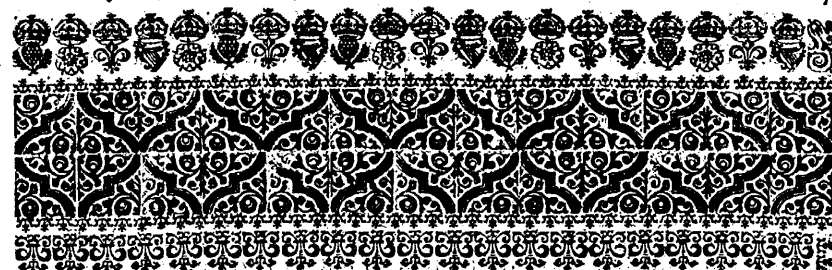
ACT IIII

ACT ANENT THE CONTINUATION Of the Parliament, to the 15. day of July 1641. yeares, with continuation of dayes.

THE Estates of Parliament presently convened by his Majesties speciall authority, yet as of before, continues this present Parliament, and all summons and actions intended or depending, with all supplications, grievances, and other matters belonging to the said Parliament, against all parties cited or desired to be sent home to Scotland as Incendiaries, or cited for other crimes or causes, and the former citations and continuations thereof, and this present continuation, to continue in the same force, strength and effect, as they were at the severall daies of comparances respective, whereunto they were cited, and as if they had been called, or were now called per expresse, upon the saids severall daies whereunto they were cited respective, as said is, or upon the severall daies of continuation whereunto this Parliament was continued from time to time; notwithstanding of the not calling of them publikely in judgment at none of the saids dayes, which was no wayes necessary to have beene done,

nor to be done, before insisting against them, in respect that they were both cited to severall daies of compearance, with continuation of dayes, & that the Parliament was continued from time to time to certaine other daies also, with continuation of dayes, to the fiftenth day of *July* next to come, with continuation of dayes, and that for satisfying his Majesties gracious desire, signified by his Majesties letter direct to the Estates for that effect, bearing date the 18. of *May*, 1641. yeeres, And also for sundry grave and weighty considerations concerning the weal of the Estate, Kirk and Kingdom, known to the Estates, But prejudice alwaies to the Estates of Parliament, of their undoubted libertie to sit without prorogation, except they consent to a prorogation: and that by reason that all Acts of prorogation of Parliament, are Acts of Parliament, and no Acts of Parliament can be made without consent of the Estates convened and sitting in plaine Parliament: AT the which fiftenth day of *July* next to come, ordaines the whole Estates to be present and to attend at *Edinburgh*, or where it shall happen the samine to be holden for the time: And such like ordaines his Majesties Advocate and Procurators of Estate, all and every one of them to compeare and attend, and to insist as they shall be commanded by the Estates, against whatsoever persons indited or to be indited, And discharges the said Advocate and Procurators, & every one of them to consult with, or take upon hand, directly or indirectly, to defend any who shall seek their advise for pleading or maintaining them in any sort, against any pursuit moved, or to be moved against them in Parliament, for any crime against the publick, or to give any information for that effect: And that because it is incumbent to the Kings Majesties Advocate and Procurators of Estate to pursue all who happens from time to time to be cited to the Parliament for any offence against the publike, and no wayes to take their Patrocinie: but prejudice likewise of the power granted to the Committees of Estate, contained in the Act of this present Parliament, made thereanent, dated the 11 of *June* last, and mentioned in the three last Acts of continuation thereof: The first dated the 19. *November* 1640. the second the 14. of *January* 1641. and the third dated the 13. of *Aprill* the same year, 1641. yeeres; And in the mean-time the Estates declares the said Parliament to be current, to the effect above-written, unto the day foresaid, with continuation of dayes, and ordaines the whole Acts and Statutes made, and concluded in plain Parliament in that session thereof in *June* last by-past, together with all the former Acts of continuation made by the saids Estates, to stand and have the force and strength of Lawes and Acts, conforme to the tenours thereof, such like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generality foresaid) the act of the Committee of Estates, to stand in full force in all the clauses thereof, ay and while it be discharged by the Estates, and ordaines the foresaid Acts with the Act of election of *Robert Lord Burghie* to be preses of this meeting of Estates, together with this present Act of continuation, to be published and pnted, conform to the last act of continuation of the date foresaid, notwithstanding of this present continuation of the Parliament to the day above-written.

ACTS



ACTS
 DONE AND PAST IN THE
 LAST SESSION OF THE SECOND
 PARLIAMENT OF OUR SOVERAIGN LORD, &c.

Beginning the 15. day of *June* 1641. and ending the 17. of *November*, the same year, according to the severall dates *respective* after specified, prefixed thereto.

ACT V.

ANENT THE OATH TO BE GIVEN BY
 Every member of Parliament: *August* 18. 1641.



FOR SO MUCH as the honour, greatnesse and happinesse of the Kings Royall Majestie, and the welfare of the Subjects depend on the puritie of Religion, as it is now established in this Kingdome, the laws, liberties and peace thereof, which ought to be sought after by all good Christians, loyall Subjects, and true Patriots, And to be furthered and maintained by them against all such, as by any meanes, endeavour to shake, or subvert the same, THEREFORE We under-subscribers, and every one of Us, do in the presence of almighty God promise and vow, That in this present Parliament We shall faithfully and freely, speak, answer and expresse our selves upon all, and every thing which is or shall be proposed, so farre as we think in our conscience may conduce to the glorie of God, the good and peace of the Church, and State of this Kingdome, and imploy our best indeavours to promote the same: And shall in no wayes advise, voyce nor consent to any thing, which to our best knowledge, we think not most expedient and conduceable thereto:

As

as also that we shall maintaine and defend with our Life, Power, and Estate, His Majesties Royall Person, Honour and Estate, as is exprest in our Nationall Covenant: And likewise the Power and Priviledges of Parliament, and the lawfull Rights and Liberties of the Subjects, and by all good means and wayes, oppose, and in deavour to bring to exact tryall; all such as either by force, practise, counsell, plots, conspiracies, or other wayes, have done, or shall do any thing in prejudice of the puritie of Religion, the Laws, Liberties, and Peace of the Kingdome: And further, that we shall in all just and honourable wayes indevour to preserve union and peace betwixt the three Kingdomes of Scotland, England, and Ireland, and neither for hope, feare, nor other respect shall relinquish this vow and promise.

Read in audience of the Kings Majestie and the Estates of Parliament, who approve the same, and appoint the said oath to be taken by all members of this Parliament, and in all Parliaments hereafter, before they proceed to any act, or determination.

ACT VI.

ACT ANENT THE RATIFICATION OF The Articles of the Treatie, superscribed by the King, and subscribed by the President of the Parliament.

August 26. 1641.

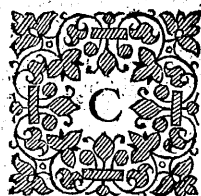


OUR Sovereign Lord and Estates of Parliament, Ratifies and approves the articles of the large treaty concerning the establishing of the peace betwixt the Kings Majestie, and his people of Scotland, and betwixt the two Kingdomes of Scotland and England: And for his Majestie and his successours perpetually confirms the same, ordaining the same in all time comming to have the full force and strength of perfect security, lawes, and acts of Parliament: Like as his Majesty, for Himself and his Successours, promiseth, *in verbo Principis*, never to come in the contrary thereof, for any thing therein contained: but to hold the same firme and stable, and shall cause it to be truly observed by all his Majesties Lieges according to the tenour & intent thereof for now & ever. Wherof the tenour followes:



Whereas by his Majesties Royall Wisedome, and Princely care of the Peace and Happinesse of his Majesties Dominions, a Treaty hath beene appointed for removing of all differences raised betwixt the two Kingdomes, and betwixt the King and his Subjects of Scotland, and for settling and assuring a firme and blessed Peace for all time to come: and a Commission hath been given under the great Seale of England, with approbation of both Houses of Parliament, bearing date 23. of November in the 16. yeare of his Majesties raigne, and in the words following:

CHARLES



CHARLES by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, &c. To our Right trusty, and right welbeloved Cousins, Francis Earle of Bedford, William Earle of Hartford, Robert Earle of Essex, And to our right trusty, and right welbeloved Cousin and Counsellour, William Earle of Salisbury; And to our right trusty, and right welbeloved Cousin, Robert Earle of Warwick; And to our right trusty, and right welbeloved Cousin, John Earle of Bristol; And to our right trusty, and right welbeloved Cousin and Counsellor, Henry Earle of Holland; And to our right trusty, and right welbeloved Cousin and Counsellour, Thomas Earle of Berks; And to our right trusty, and welbeloved, Philip Lord Wharton, William Lord Pazer, Edward Lord Kimbalton, Robert Lord Brooke, John Lord Paulet, Edward Lord Howard of Estrick, Thomas Lord Savil, and Francis Lord Dunsmore, Greeting.

Whereas divers of our Subjects of Scotland, have by their severall Petitions humbly besought us, that we would be graciously pleased to grant unto them certaine Demands, we reposing especiall trust and confidence in your great wisedomes and fidelities, have named, assigned, and appointed you; and by these presents doe name, assigne, and appoint you to be our Commissioners: and doe hereby give, and grant unto you, or any ten, or more of you, full power, and authority to treat with John Earle of Rothes, Charles Earle of Dumfermling, John Lord Loudoun, Sir Patrick Hepburne of Wauchton, Sir William Douglas of Cavers, William Drummond of Riccarton, John Smith Bailly of Edinburgh, Alexander Wedderburne Clerke of Dundy, Hugh Kennedy Burgesse of Air, Alexander Henderstone, and Archibald Johnston, or any of them, Or any other deputed, or to be deputed by our said Subjects of Scotland, or nominated on their behalfe; and to take into your serious consideration the said Demands, and compose, conclude, and end all differences arising thereupon: Or otherwayes, as you, or any ten, or more of you, in your wisedomes shall thinke fit: And whatsoever your our Commissioners aforesaid, or any ten, or more of you shall doe in the premisses, We doe by these presents ratifie, and confirme the same. In witnesse whereof We have caused these our Letters to be made Patents. Witnesse our selfe at Westminster the three and twentieth day of November, in the sixteenth yeare of our Raigne.

Per ipsum Regem.

AND IN LIKE MANNER, A COMMISSION hath beene granted by the Committees of the Parliament of Scotland, bearing date the last of October, and the 4 day of November, 1640. and in the words following :



That the Commissioners of the Parliament of Scotland, being a full number of both the Quorums thereof, under-subscribing: Forasmuch as the Kings Majesty, our dread Sovereign hath been graciously pleased, upon our humble supplications, to appoint a Treaty, and Conference at Rippon betwixt our Commissioners, chosen, and sent by Us for that effect, and a number of the Peeres of England, who accordingly met,

and have accorded upon certain Articles, as well anent the maintenance of our Armie, as anent the cessation of Arms during the Treatie. And because the time for the ensuing Parliament of England could not permit the Treaty to come to the wished conclusion there, his Majesty was therefore likewise pleased to trans-ferre the said Treatie to London, where the said Parliament is to hold, that there these entrusted by his Majesty, and Estates of Parliament, may have the better time and place to treat, and conclude thereanent.

Therefore Wee the said Commissioners, being a full number of both Quorums thereof under-subscribing, by vertue, and conforme to the Commission granted to us by the Estates of Parliament, doe not onely approve the said Articles already agreed upon, and subscribed by our said Commissioners at Rippon, but also doe by these presents give full power, warrant & Commission to John Earle of Rothes, Lord Lesley, &c. Charles Earle of Dumfermling, Lord Urquhart and Fuby, &c. John Lord Loudoun, Sir Patrick Hepburne of Wachtoun, Sir William Douglas of Cavers, William Drummond of Riccarton, John Smith of Edinburgh, Mr. Alexander Wedderburne of Dundy, and Hugh Kennedy, of Air, as members of the Estates of Parliament. And because many things may occurre, concerning the Church, and Assemblies thereof: Therefore besides these of the Estates we nominate, and appoint Mr. Alexander Henderson, and Mr. Archibald Johnstoun, whom we adjoyne for that effect; With power to them, or any seven of them, there being alwayes two of every Estate, to passe to the said City of London, and there, or at any other place convenient (mutually to be agreed upon) to meet, and convene with any who shall be appointed by his Majesty, and Estates of Parliament of England for the foresaid Treaty, giving, granting, and committing, like as we by these presents give, grant, and commit to them in manner foresaid, full power, warrant, and commission to treat, consult, advise, determine, and agree, as well anent the satisfying, and granting of our Demands, as in obtaining, and securing a settled peace for all time comming, conforme to the instructions given to them herewith, or which shall be sent to them hereafter by us, or any one

one of the said Quorums at the Campe of Edinburgh thereanent. With power to them, as said is, to do every thing which may conduce for the better and easier obtaining of our said demands, and establishing a settled peace, conforme to the said particular instructions, in such like manner as we might do if we were all personally present our selves in full number, promising to hold firme and stable all, and every thing our said Commissioners in manner foresaid shall do in the Premises, conforme to the said instructions. And in case it shall be found expedient, or necessary to adde any more Commissioners to the foresaid persons, these who shall so be sent, authorized under our hands, or the full number of any of the said Quorums, shall have a like power, and Commission by vertue of these presents with the fore-named Commissioners, in such like manner, as if their names were particularly exprest herein. In witness whereof these presents are subscribed at Newcastle and Edinburgh the last of October, and 4. of November, 1640.

SIC SUBSCRIBITUR.

- | | | |
|------------|----------------|-----------------|
| Roths. | Jo. Cooper. | James Scot. |
| Montrose. | Thomas Hope. | Gortersfield. |
| Casils. | Riccarton. | Hume. |
| Lothian. | Caprinton. | Hamilton. |
| Lyndesay. | Gaitgirth. | Mr. Will. More. |
| Balmerino. | Dundas. | Ja. Sword. |
| Naper. | Edward Edgar. | Hew Kennedy. |
| Burghly. | Rich. Maxwell. | Rutherfoord. |

And forasmuch as by vertue of the said Commissions, the Commissioners therein authorized, have treated, and by the assistance and blessing of God have agreed upon the heads, and articles following.

ARTICLES OF THE LARGE TREATY concerning the establishing of the peace betwixt the Kings Majesty, and his people of Scotland, and betwixt the two Kingdomes, agreed upon by the Scottish and English Commissioners, at the City of Westminster, the seventh day of August. 1641.



THE SCOTTISH COMMISSIONERS (having given in the Declaration following, viz: Wee doe still in all Loyalty, as becomes humble and ductifull Subjects, acknowledge our dependency upon his Majesty as our dread Sovereign, whether his Majesty live in Scotland or England, and shall alwayes, and in all things witness our high respects and best affections to the Kingdome and Parliament of England, according to the strong bonds of nature and religion,

religion, by which the two Kingdoms are joynd under one Head and Monarch: yet as wee are fully assured that the Kingdome and Parliament of *England*, is for the present farre from any thought of usurpation over the Kingdome and Parliament of *Scotland*, or their Lawes and Liberties: so, for the preventing the misunderstanding of the Posterity and of Strangers, and for satisfying the scruples of others not acquainted with the nature of this Treaty and the manner of our proceedings, which may arise upon our coming into *England*, and our treating in time of Parliament, We doe by these declare and make known, that neither by our Treaty with the *English*, nor by seeking our peace to be established in Parliament, nor any other actions of ours, doe wee acknowledge any dependency upon them, or make them Judges to us or our Lawes, or any thing that may import the smallest prejudice to our Liberties, but that wee come in a free and brotherly way by our informations to remove all doubts, that may arise concerning the proceedings of our Parliament, and to joyne our endeavours in what may conduce for the good and peace of both Kingdoms, no otherwise then if by occasion of the King his residence in *Scotland* Commissioners in the like exigence should be sent thither from *England* DID DEMAND, that his Majesty would be graciously pleased to command that the Acts of the late *Parliament* may be published in his Highness name as our Sovereign Lord, with consent of the Estates of *Parliament* convened by his Majesties authority.

WHEREUNTO it is answered and agreed, That for as much as the Kings Majesty, at the humble desire of his Subjects, did call and convene a *Parliament* to be holden at *Edinburgh* the 2. of *June*, 1640. wherein certain Acts were made and agreed upon, which Acts his Majesty (for the peace and good of his Kingdome) is pleased to publish in his owne name with consent of the Estates, and therefore commands that the said Acts bearing date the 11. day of *June*, 1640. be published with the Acts to be made in the next Session of the same *Parliament*: and that all the said Acts, as well of the precedent as of the next Session, to be holden, have in all time coming the strength of Lawes, and to be universally received, and obeyed by all the Subjects of the Kingdome of *Scotland*.

His Majesty doth in the word of a King promise the publishing of the said Acts in such sort as is above specified.

As for the manner of publishing the said Acts, his Majesty approves that the Declaration of the Estates in the beginning of the Acts, and the conclusion at the end, may be past in silence at the publishing of the Acts, and left out in the printed Copies: And if any thing shall further occurre concerning the manner of publishing the said Acts, his Majesties Commissioner may then offer it to the Estates to be considered of, his Majesty being most assured that the Estates of *Parliament* will have a great care not to suffer his Majesties authority to be prejudiced in the managing of these great affaires. *Tertio Decembris*, 1640.

THE SECOND DEMAND, that the Castle of *Edinburgh*, and other strengths of the Kingdome should, with the advice of the Estates of *Parliament*, according to their first foundation be furnished, and used for

for defence and security of the Kingdome: IS AGREED UNTO. THE THIRD DEMAND, that *Scottish* men within his Majesties Dominions of *England* and *Ireland*, may be freed from censure for subscribing the Covenant; and be no more pressed with oathes and subscriptions unwarranted by their Lawes, and contrary to their Nationall oath and Covenant approved by his Majesty.

It is thereto answered and agreed in his Majesties name, upon *Decemb.* 8. 1640. That as his Majesty hath granted your first and second Demands, so doe we in his Majesties name answer to the third: That all these who in his Majesties Dominions of *England* or *Ireland* have been imprisoned, forfeited, or censured any other way for subscribing of the Covenant, or for refusing to take any other Oath contrary to the same, shall be freed of these censures, and shall be fully restored to their Liberties, Estates, and Possessions. And for time coming, that the Subjects of *Scotland*, as Subjects of *Scotland*, shall not be constrained to any oath contrary to the Lawes of that Kingdome, and the Religion there established: but such of the Kingdome of *Scotland* as shall transport themselves into the Kingdome of *England* or *Ireland*, and there be settled Inhabitants, either by way of having inheritance or free hold, or by way of settled Trades (by which the way of trading of the Factors of Merchants, nor of Merchants themselves is not to be understood) shall be subject to the Lawes of *England* or *Ireland*, and to the oathes established by the Lawes, and Acts of Parliament in the said Kingdomes respectively, wherein they live, and have their ordinary and constant residence, and not otherwayes. And the *English* and *Irish* shall have the like Priviledge in *Scotland*. 8. *Decembris*. 1640.

To the fourth Demand, craving that his Majesty may be graciously pleased to declare, as an Act of *Royall Justice*, serving much to his owne Honour, for the establishing of his Throne, and for the good and Peace of both Kingdomes: That whosoever shall be found upon *Tryall* and *Examination* by the Estates of either of the two *Parliaments* (they judging against the Persons subject to their owne Authority) to have been the Authors and Causes of the late and present troubles and combustion, whether by labouring to make, and foment Division betwixt the King and his People, or betwixt the two Nations, or any other way, shall be liable to the Censure and Sentence of the said *Parliaments* respectively, Conforme to the Paper of *Decemb.* 9. 1640.

It is answered, upon the 11. of *Decemb.* 1640. That his Majesty beleeveth he hath none such about him. And therefore concerning that point, he can make no other Declaration, then that he is just, and that all his Courts of Justice are free and open to all men. His Parliament in this Kingdome is now sitting, and the current Parliament of *Scotland* neere approaching the time of their meeting, To either of which, hee doth not prohibite any of his Subjects, to present their just grievances, and complaints, of what soever nature, each meddling, and judging against the Persons, subject to their own Authority. 11. *Decembris* 1640.

It is further answered upon the said 11. of *December*, 1640. To your fourth Demand, Concerning Incendiaries, that his Majesty beleeveth, he hath none such about him: Therefore, concerning that point, he can

make no other Declaration, then that he is just, and that all his Courts of Justice are to bee free and open to all men. His Parliament in this Kingdome is now sitting, and the current Parliament of Scotland neere approaching the time of their meeting, in either of which *respective*, he doth not prohibite the Estates to proceed in trying and judging whatsoever of his Subjects.

And whereas it was further demanded, that as his Majesty would not hinder any of his Subjects to be tried and judged by the Parliament, so that none after the Sentence of the Parliament should have access to his Majesty, or be maintained, and enjoy Places or Offices, and have credit or authority to informe and advise his Majesty, Conforme to the Paper of *December 23. 1640.*

It is declared in his Majesties name, upon *December 30. 1640.* Besides his Majesties former Answers, His Majesty hath commanded us to declare in his Name, That he will not imploy any Person or Persons in Office or Place that shal be judged incapable by sentence of Parliament: Nor wil he make use of their service without the consent of Parliament, nor grant them access to his Person, whereby they may interrupt, or disturbe that firme Peace, which he now so much desireth, he being confident that they will proceed in a faire & just way, and (according to their severall professions) with that respect to his honour, which in reason he may expect from good and dutiful Subjects: *30. of Decemb. 1640.*

The fifth Demand, That their ships and goods, and all Dammage thereof may be restored.

Is condescended unto, and to be reciprocal, That all Ships and Goods taken at Sea or stayed in Ports, with dammage bee restored on both sides. And that some summary course be agreed upon for the performance thereof upon the Demands of the particulars on both sides, Conforme to the Paper of *December 30. 1640.*

And further it was agreed upon the 7. of *Januarie, 1641. Stilo Scotico* That all Ships taken and stayed should be reciprocally restored on both sides, And that the Scottish Commissioners having informed that about fourescore Ships of Scotland are yet stayed in the Ports, and are like to suffer much further losse and dammage, if they shall not be delivered into some hands who may have care of them: It is agreed, for the more speedy expedition of the Scottish Ships, and that the owners thereof be not longer damnified by the want of them, that warrants shall bee presently granted for delivery of all their Ships, and that foure thousand pounds be presently advanced for Cauking, Sailes, Cordage, and other necessaries for helping the present setting forth of the said Ships: And for the rest of this Article, when it shall come in the sixt Demand, it shall be agreed unto, *7. of Januarie, 1641. Stilo Scotico.*

To the sixth Demand, concerning the losses which the Kingdome of Scotland hath sustained, and the vast charges they have been put unto by occasion of the late troubles, and the reparation desired from the Justice, and kinnesse of the Kingdome of England towards reliefe thereof, in manner, and upon the ground exprest in the Paper of the 7. of *Januarie, 1641. Stilo Scotico.*

It is answered, that this House thinks fit that a friendly assistance, and

and relief shall be given towards supply of the losses & necessities of the Scots, & that in due time this House will take into consideration the measure & maner of it, Conforme to the paper 22. of *Jan. 1641. Stilo Scotico.*

And further, the Parliament upon the 3. of *February* did declare, that they did conceive, that the summe of three hundred thousand pounds is a fit proportion for the friendly assistance, and relief formerly thought fit to be given towards supply of the losses, and necessities of their Brethren of *Scotland*; and that the House would in due time take into consideration the manner how, and the time when the same shall be raised, Conforme to the Paper of the 3. of *Febr. 1641. Stilo Scotico*, and given in to the Treaty upon the 3. of the said Moneth.

And whereas it was desired by the Scottish Commissioners, that the English Commissioners would let them know from the Parliament, the security, manner, and termes of Payment of the foresaid summe of three hundred thousand Pounds; and of the *Arrears* due for reliefe of the Northern *Counties*, It was agreed unto by warrant, and order of the Parliament, that they should have fourescore thousand Pounds, as a part of the foresaid summe of three hundred thousand pounds, with the whole *Arrears* due to the Army, before the disbanning thereof, Conforme to the Paper of the 26. of *May, 1641.* and given in to the Treaty upon the 27. of the said Moneth.

And concerning the security for paying of the remnant of the said sum of three hundred thousand pounds, which is *Arreare*, extending to 200 and 20000 Pounds, It is resolved, and agreed unto by both Houses of *Parliament*, That an act of *Parliament* of publike Faith shall passe for security thereof, And that one moiety, or equall halfe of the same, extending to one hundred and ten thousand Pounds, shall be payed at *Midsummer, in Anno 1642.* And the other moiety, or equall halfe thereof to be payed at *Midsummer, in Anno 1643.* as the order of the houses of *Parliament*, of the 19 & 25. daies of *June 1641.* doth more fully purport.

And in like maner, whereas it was desired by the Scottish Commissioners, that they might know to whom they should address themselves, for payment of the summes at the dayes appointed by the Parliament, Conforme to the Parliaments determination of the 19. of *June*: Secondly, at what place the payment should be made: Thirdly, that a safe conduct may be granted for the secure transporting of the moneys to *Scotland*, at the times of the payment agreed upon.

It is answered and resolved by the Parliament, That these Earles, Lords and Commissioners following, shall be the persons to whom the Scots shall address themselves for the receiving of the summes at the dayes appointed by the Parliament, Earle of *Bedford*, Earle of *Essex*, Earle of *Warwick*, Earle of *Holland*, Earle of *Stanford*, Lord *Wharton*, Lord *Mandewill*, Lord *Brook*, Mr. *Martin*, Sir *Thomas Barrington*, Mr. *Capell*, Sir *Ar. Ingram*, Sir *Gilbert Gerrard*, Sir *Robert Pye*, Mr. *H. Bellasis*, Sir *Walter Earle*, Sir *William Litton*, Sir *Henry Mildmay*, Sir *Thomas Cheek*, Sir *John Strangeways*, Mr. *Arthur Goodwine*, Mr. *Hampden*, Alderman *Soan*, Alderman *Pennington*.

Resolved upon the question, That the place of payment shall be the Chamber of London. Resolved upon the question, that a safe conduct shall

shall be granted for the secure transporting of the moneys to Scotland, at the termes of Payment agreed upon at the charge of the Scots, Conforme to the Paper, June 22. 1641. yeares.

To the seventh Demand, desiring that as his Majestie hath approved the acts of the late Parliament, wherein all such Declarations, Proclamations, Books, Libels, & Pamphlets as have bin made, written, or published against his loyal and dutifull subjects of Scotland, are re-called, and ordained to be suppressed, and destroyed, So his Majesty may be pleased to give order that the same may be suppressed, recalled, & forbidden in England and Ireland, and that the loyalty, integrity, and faithfulness of his Majesties subjects of Scotland towards his Majesties Royall Person & Government, may at the closing of this Treaty of Peace, and at the time of publick thanksgiving for the same, be made known in all places, and all Parish Churches of his Majesties Dominions. This was the more earnestly desired, & confidently expected from his Majesties Justice & goodnesse, Because no calamity or distresse hath so sore vexed, or so deeply wounded the hearts of his Majesties Subjects, as that their loyalty and love towards their Native King should have been controverted, & by the malignancy of bad Instruments brought into suspicion; And because they unfainedly desire, & pray for his Majesties happinesse, and are resolved by all meanes, and at all occasions to deny themselves, and what they have for his Majesties Honour: As is more fully contained in the Paper of the 8. of February 1641. *Stilo Scotico.*

It is answered upon the 10. of February 1641. *Stilo Scotico.* We do agree, that all declarations, proclamations, acts, books, libels, and pamphlets that have been made, & published against the loyalty & dutifulnesse of his Majesties subjects of Scotland, shall be recalled, suppressed, & forbidden in England & Ireland. And that this be reciprocally in Scotland, if any such have bin made, or published there in prejudice of his Majesties honour: And this upon diligent inquiry to be done by the authority of the Parliament next sitting in Scotland, of which the Commissioners of Scotland doe promise to have an especial care: And we do also agree, that when it shall please Almighty God to grant a happy close of this Treaty of Peace, the loyalty of his Majesties said Subjects shall be made known at the time of publick thanksgiving in all places, & particularly in the Parish Churches of his Majesties Dominions. Unto which we are the rather induced, for that you expresse how deeply it hath wounded the hearts of his Majesties said Subjects, that their loyalty & love to his Matie their native King should be brought in question, & suspicion: Whereas they unfainedly desire & pray for his Majesties happinesse, & are resolved by all means, & at all occasions to deny themselves, & what they have, for his Majesties honor, 10. Febr. 1641. *Stilo Scotico.*

Concerning the eighth Demand, for an happy and durable Peace, which is the chiefeft of all our desires, and unto which all the former seven Articles being now agreed upon, are as many Preparations.

We do first of all desire, that all monuments, tokens, & shews of hostility upon the borders of the two kingdoms may be taken away, & that upon the reasons & considerations particularly exprest in the paper, of the 10. of Febr. 1641. *Stilo Scotico.* That not only the Garrisons of Barwick, and Carlile may be removed, but that the works may be slighted, and the places dismantled.

It is answered, and agreed upon the 14. of June, That his Majesty is desirous, that all things betwixt the Kingdomes of Scotland and England

land, bee reduced into the same state they were in, before the beginning of the late troubles.

And therefore Hee doth give his Assent to the advice of the two Houses of Parliament; that the Garrisons of Barwicke and Carlile, upon the disbanding of the Scottish Army now in England, and of all such Forces as are gathered together in Scotland, be likewise presently removed: And that the Fortifications of Barwick and Carlile bee also reduced to the same condition they were before the late troubles. So that all Fortifications in Scotland bee likewise put in the same condition they were before the said troubles; And that the Workes bee not repaired, but suffered to decay, and that the Ordinance, and Ammunition bee removed: And that it bee without prejudice to his Majesties former grant of the second Demand, Concerning the keeping of the Castles of the Kingdome of Scotland, 14. of June, 1641.

To their desire concerning unity in Religion, & uniformity of Church-government, as a speciall meanes for conserving of Peace betwixt the two Kingdoms, upon the grounds and reasons contained in the Paper of the 10. of March given into the treaty and Parliament of England.

It is answered, upon the 15. of June, That his Majesty, with the advice of both Houses of Parliament, doth approve of the affection of his Subjects of Scotland, in their desire of having Conformity of Church-government betweene the two Nations, and as the Parliament hath already taken into consideration the Reformation of church government, so they wil proceed therein in due time, as shall best conduce to the glory of God, the peace of the Church, & of both Kingdoms, 11. of June 1641.

To their desire of the Kings Majesty, and the Prince their comming, and residing some times in Scotland, upon the reasons given in, February 16. 1641. *Stilo Scotico.*

It is answered upon the 9. of June, that his Majesty doth take in good part the sense his Subjects of Scotland have of his absence, and the dutifull expression they make of their desire to have Him, and the Prince his Sonne frequently among them; and assuring himselfe that they have no other intention in this Demand, but meerely to expresse their love to his Person, and the welfare of his ancient Kingdome, He declares unto them, that as he shall finde the urgency of those affaires require his presence, and his other conveniences here permit, He will repaire thither, and the Prince his Sonne, so farre as he may know and be acquainted with the People there, 9. of June 1641.

To the desire concerning the manner of choosing and placing of the officers of State, Counsellors, and Sessioners, within the Kingdome of Scotland by advice of the Parliament, upon the grounds and reasons given in, March 15. 1641. *Stilo Scotico.*

It is answered the 9. of June, in his Majesties name; We intend nothing more heartily, and really then that our People shall be goveried by the Laws of the Kingdome, and that all Judges in their severall Judicatories should judge accordingly.

Therefore we wil never allow nor permit, that either Counsellors, officers of State, or Judges be excoemed from our, & our Parliaments tryall and censure, for the discharging of their duties in their severall offices,

78 THE SECOND PARLIAMENT Act 6.
 and places: Likewise we conceive that nothing will more conduce to the good of our service, and the peaceable and happy government of the Kingdome, then that officers of State, places of Councell and Session, and other Judicatories be provided with honest, able, and qualified men. For which end, and because of our necessary absence from that Kingdom, which maketh the qualification of Persons fit for places lesse known to us, We shall so far give eare to the Informations of our Parliament, and when our Parliament is not sitting, of our Councell, and Colledge of Justice, as that we shall make choise of some one of such, as they by comon consent upon the vacancie of the place shall recommend unto us: Or if wee shall conceive another person to bee fitter then any of these recommended, wee shall make the same knowne to the Parliament, or in the time betweene Parliament, to our Councell and Session, that from them wee may be informed of the Qualification and Abilities of the person named by us, to the effect, that if by their Information it shall appeare to us, that there is just exception against the life, and qualification of the said party, wee may timely nominate some other, against whom there shall bee no just exception.

By which meanes wee doubt not, but that wee shall from time to time choose such honest men, as for their knowne Integrities and Abilities shall bee fit to discharge their places, and Offices, with that duty and sufficiency which wee and our Subjects may justly expect.

Which intention of ours being now so cleere and fully expressed, wee doubt not, but will give good satisfaction to our ensuing Parliament.

And as wee never intended to remove just and able men from their places in the Colledge of Justice: So doe wee now declare for our peoples full satisfaction, that their places shall be provided unto them, *Quam diu se bene gesserint.*

And if this our Answer cannot content the Scottish Commissioners, Wee doe then remit the whole Answer to be considered by us, or our Commissioner, and the Parliament, at the next sitting thereof, 9. of June, 1641.

To their desire of placing some Scottish men of respect about the King, and Queenes Majesties, and the Princes Highnesse, upon the grounds and reasons given in the 9. of April, 1641.

It is answered, His Majesties goodnesse, and grace towards his Subjects of Scotland in placing them about his owne Person, in places of greatest neerenesse and trust, hath bene such, as ought to give them full satisfaction of His Royall Affection towards His Subjects of His Native Kingdome.

Therefore, for this point, His Majestie needeth onely to assure them that hee shall continue the same care, which hitherto hee hath done for their satisfaction in this particular: and not onely so; but shall also recommend the same to the Prince his Sonne, that successively the Kingdome of Scotland shall so taste of the care of their Sovereignes, That by the Grace of God, they shall never want a sufficient number of honest, and sufficient persons of that Nation about the Kings Person and Princes,

Act 6. OF KING CHARLES. 79
 ces, against whom there shall be no just exception, the 9. of June, 1641.

To their desire that none may have place about his Majesty, and the Prince, but such as are of the reformed Religion, in manner expressed in the paper. 1. April 1641.

It is answered, His Majesty doth conceive, that his Subjects of Scotland have no intention by this proposition, (especially by way of demand) to limit, or prescribe unto him the choice of his Servants; but rather to shew their zeal to Religion, wherein his owne piety will make him do therein that which may give just satisfaction to his people, 9. June 1641.

To their desire given in the first of April, concerning the Copper Coine.

It is answered, Whereas the Scottish Commissioners have represented unto his Majesty, the great prejudice sustained by the Kingdom of Scotland, through the coining of Copper money, which hath passed there this long time by gone, for seven times and above as much as the true value and worth thereof, contrary to the continuall custome of that Kingdome, And therefore desiring that no Copper money bee coined hereafter, without consent of the Estates convened in Parliament, who may remedy the present prejudices the Country sustains thereby: And who upon good consideration of the necessity thereof in time to come, may appoint such a competent proportion as is fit, and as the Countrey shall require for the use of the poore, and for change in buying and selling of commodities, and that the same shall not passe, but according to the intrinsicke value thereof, with the allowance of a tenth part or such a proportion as the Parliament shall think fit to allow for the impression, and workmanship in coyning. His Majesty is graciously pleased to recommend to the ensuing Parliament of Scotland the whole matter of copper coine, and remits to their consideration to take such order therein as they shall thinke fitting, not onely concerning the copper coine to be coyned hereafter; but also the copper money already coyned, how the same shall take vent, and passe in payment in time comming, Conforme to the paper of the ninth of June, 1641.

CONCERNING AN ACT OF
 Pacification and Oblivion.

IT is agreed unto, that in the approaching Parliament of Scotland there shall be an Act of Pacification, declaring that the late commotions, and troubles arising from the innovations of Religion, and corruption of Church Government, by the mercy of God, and the Kings Royall wisdom, and Fatherly care, are turned into a quiet calme and comfortable Peace, lest either his Majesties love, or the constant loyalty of his Subjects in their Intentions and Proceedings be hereafter called in question, and that such things

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things as have falne forth in these tumultuous times, while Lawes were silent, whether prejudiciall to his Majesties Honour and Authority, or to the Lawes and Liberties of the Church and Kingdome, or to the particular interest of the Subject, (which to examine in a strict court of Justice might prove an hinderance to a perfect peace) may be buried in perpetuall Oblivion: So it is expedient for making the Peace and Unitie of his Majesties Dominions the more firme and faithfull, and that his Majesties countenance against all feares may shine upon them all the more comfortably, that an Act of Pacification and Oblivion be made in the Parliaments of all the three Kingdomes, for burying in forgetfulnesse all Acts of hostility, whether between the King and his Subjects, or between subject and subject, or which may be conceived to arise upon the coming of any English Army against Scotland, or coming of the Scottish Army into England, or upon any Action, Attempt, Assistance, Counsell, or Advise having relation thereunto, and falling out by the occasion of the late troubles preceding the conclusion of the Treaty, and the return of the Scottish Army into Scotland, That the same, and whatsoever hath ensued thereupon, whether trenching upon the Lawes and Liberties of the Church and Kingdom, or upon his Majesties Honour and Authority, in no time hereafter may be called in question, nor resented as a wrong Nationall, or Personall, whatsoever be the quality of the person, or persons, or of whatsoever kind or degree, Civill or Criminall, the injury is supposed to be, and that no mention be made thereof in time coming, neither in judgment, nor out of judgment, But that it shall be held, and reputed, as though never any such thing had been thought, nor wrought. And this to be extended, not onely to all his Majesties subjects now living, but to their Heires, Executors, Successours, and all others whom it may concerne in any time to come. And for that end, that by the tenour of this Statute, all Judges, Officers, and Magistrates whatsoever, be prohibited and discharged of directing of Warrants for citation, processing, or executing any sentence or judgment upon Record, or any way molesting any of his Majesties lieges concerning the premisses in all time coming. Like as that his Majestie for himselfe and his Successours, promiseth *in verbo Principis*, never to come in the contrary of this Statute and Sanction, nor any thing therein contained, but to hold the same in all points, firm, and stable, And shall cause it to be truly observed by all His Majesties Lieges, according to the tenour and intent thereof for now and ever, And that in all time coming these presents shall have the full force and strength of a true and perfect security, as if they were extended in most ample and legall forme. Providing that the benefit of the said Statute shall no wayes be extended to any of the Scottish Prelates, or to John Earl of Traquair, Sir Robert Spotswood, Sir John Hay, and Master Walter Balcanquhall, cited and pursued as Incendiaries betwixt the Kingdomes, and betwixt the King and his People, and for bribery, corruption, and many other grosse crimes contained in their charges generall and speciall, nor to any other persons, who are cited, and shall be found by the Parliament of Scotland, in his Majestie or his Commissioners their owne hearing, to be so extraordinarily guilty

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guilty of these and the like crimes, as they cannot in justice, and with the honour of the King, and Countrey, passe from them. Provided further that the benefit of this Act shall not bee understood to extend to the favour of Theeves, Robbers, Murtherers, Broken men, Sorners, Out-lawes, nor their Receptors, With reservation also of the legall pursuits and processe of the Scots in Ireland, for the reparation of their losses according to justice, against such who have illegally wronged and persecuted them, since by one of the Articles of the Treatie they are appointed to be restored to their means and estate. It is also to be understood, that nothing is meant hereby to be done in prejudice either of the payment of the debts owing upon promise or security, by the Scottish Army to any of the Counties, or to any person there, (the same being instructed before the removall of the Scottish Army) or of the Arrears due to the Scottish Army, or to that brotherly assistance granted them by the Parliament of England.

That the great blessing of a constant and friendly conjunction of the two Kingdomes now united by alleageance, and loyall subjection to one Sovereigne and Head, may be firmly observed, and continued to all Posterity, it is agreed that an Act be past in the Parliament of England that the Kingdomes of England or Ireland, shall not denounce, nor make warre against the Kingdome of Scotland, without consent of the Parliament of England, As on the other part it shall be enacted there, that the Kingdome of Scotland shall not denounce nor make warre against the Kingdomes of England or Ireland, without consent of the Parliament of Scotland. No ships either of the Kings or Free-booters, or others, shall stop the trade of the Kingdome, or hinder, or harme their neighbour Kingdome without consent of Parliament declaring a breach of Peace, And if any armies shall be levied, or trade stopped and Neighbours harmed, or wronged, the States of the Countrey by which it is done to be obliged to pursue, take, and punish the offenders with all rigour, And if any of the Kingdomes assist, receive, or harbour them, they are to be punished as breakers of the Peace, And if after complaint and remonstrance to the Commissioners after mentioned, and to the Parliament, redresse, and reparation be not made, then, and in that case, the same to be counted a breach of the Peace by the whole Kingdome, And in case any of the subjects of any of the Kingdomes shall rise in arms, or make war against any other of the Kingdomes, and subjects thereof, without consent of the Parliament of that Kingdome, whereof they are subjects, or upon which they doe depend, that they shall be held, reputed, and demained as traitours to the States whereof they are subjects, And that both the Kingdomes in the cases aforesaid bee bound to concur in the repressing of these that shall happen to arise in Armes, or make warre without consent of their owne Parliament, And that the way of conveying Forces for suppressing such as levie warre bee as in case of Invasion, Provided that this bee not extended to particular quarrells upon the borders, And that it bee enacted that in such case, It shall be lawfull for any of the subjects to conveye to suppress such evill affected persons, And that each Kingdome shall bee bound by publike faith

faith punctually to performe this Article: And if either parliament shall denounce warre, they shall give three monthes warning.

That the Peace to be now established may be inviolably observed in all time to come, It is agreed, that some shall be appointed by his Majestie, and the Parliaments of both Kingdomes, who in the *interim* betwixt the sitting of the Parliaments may be carefull that the peace, now happily concluded, may be continued, and who shall endeavour by all means to prevent all trouble and division: And if any debate or difference shall happen to arise to the disturbance of the common peace, they shall labour to remove, or compose them according to their power, It being supposed, that for all their proceedings of this kinde they shall be answerable to the Kings Majestie, and the Parliaments: And if any thing shall fall forth, which is above their power, and cannot bee remedied by them, they shall informe themselves in the particulars, and represent the same to the Kings Majestie, and the ensuing Parliaments, that by their wisdom and authoritie all occasions, and causes of troubles being removed, the peace of the Kingdome may be perpetual to all Posteritie: And it is declared, that the power of the Commission shall be restrained to the articles of peace in this treatie.

Whereas it is desired, that an Act may be made in the Parliament of England for ratifying of the Treatie, and all the Articles thereof, which is likewise to be ratified in the Parliament of Ireland (which in all the Articles is comprehended under the name of England) and after the Treatie is confirmed in the said English Parliament, and all other necessarie conditions performed, the Armies on both sides shall at a certain day to be appointed for that effect, remove and disband: So that when the Scottish Armie shall remove from New-castle, the English Armie shall likewise be disbanded, and repaire home to their severall Countries, and places of their residence, and the Irish Army to disband before that time, that hereafter a quiet and durable peace may bee kept according to the Articles. And that this Treaty and whole proceedings thereof may be likewise ratified in the Parliament of Scotland, and a firme Peace established, It is desired, that his Majestie may bee graciously pleased now to declare, That the ensuing Parliament of Scotland shall have full and free power, as the nature of a free Parliament of that Kingdome doth of it self import, to ratifie and confirm the Treatie, and whole Articles thereof, and to receive account of all Commissions granted by them, examine their proceedings, and grant exonerations thereupon, And to treat, deliberate, conclude and enact whatsoever shall be found conducive to the settling of the good and peace of that Kingdome. And that his Majesties Commissioners shall be authorized with full power to approve whatsoever Acts and Statutes which upon mature deliberation shall happen to be accorded unto by the Estates in that behalfe, and shall sit and continue without interruption or prorogation, while all things necessary for that effect be determined, enacted and brought to a small conclusion, unlesse for better conveniencie of affairs his Majesties Commissioner, with the speciall advice and consent of the Estates shall thinke fit to adjourne the same to any other time, which shall no wayes derogate from the full

full and perfect concluding of the whole premisses, before the said Parliament be dissolved.

This whole Article is assented unto, but in so farre as concerns the dayes and circumstances of disbanding to be agreed upon.

Forasmuch as the severall jurisdictions, and administrations of Justice in either Realme may be deluded or frustrated by delinquents for their owne impunity, if they shall commit any offence in the one Realme, and thereafter remove their persons, and make their abode in the other: Therefore that no person sentenced by the Parliament of either Nation as Incendiaries betwixt the Nations, or betwixt the King and his people, shall enjoy any benefit, Civill or Ecclesiasticall, or have any shelter, or protection in any other of his Majesties Dominions, Like as where Malefactors, and Criminals guilty of the crimes mentioned in the Act of Parliament 1612. Cap. 2. and others of that nature, and committed by Scottishmen within the Kingdome of England or Ireland, or any part thereof, are taken and apprehended in England or Ireland, that it shall be lawfull to the Justiciars of England or Ireland to remand them to Scotland, as the Act beares: And further, if any Malefactors committing crimes in Scotland, England, or Ireland, being duly processed in the Kingdome where the crimes are committed, and being Fugitives, and remayning in any other of the Kingdomes foresaid, that the Judges of either Kingdome shall be holden at the instance, and suit of the party offended, to take and remand the Criminals and Malefactors to the Kingdome where the Crimes were committed, And the like Act to be made in Scotland, and this Act would be extended as well to debts as crimes: And what further is requisite concerning this and other particulars, for settling of Peace in the middle shires, and accelerating Justice upon delinquents, both Civill and Criminall, Is to bee considered by the Committee to be appointed for that effect.

It is answered, that such persons as shall be Natives in either Kingdome, and shall commit any offence in the Realme whereof they shall be Natives, and shall afterwards remove their persons into the other, and such persons as shall be inhabitants in either Kingdome, and shall commit any offence in the Realme, where they shall be inhabitants during the time of their habitation there, and shall afterwards remove their persons into the other, and shall be for that same censured by the Parliament of that Nation where the offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and his people, shall not enjoy any benefit, Civill or Ecclesiasticall, or have any protection in any other of his Majesties Dominions, And that such Scottish Natives, incensing the King of England against the Kingdome of Scotland, shall be remanded at the desire of the Scottish Parliament into Scotland to abide their tryall and censure there, so that the same be reciprocal to both Nations, but other Criminalls and Debts to be referred to the Laws.

THE PROPOSITIONS AND ARTICLES Given in by the Scots Commissioners, after the Lord Loudoun his return from the Parliament of Scotland.

That the Treatie of Peace may bee brought to a speedy and happy close, wee did offer to your Lordships consideration the particulars following:

1 That so soone as the Scottish Army shall remove out of England to Scotland, the English Garrisons of Barwick and Carlile should remove, simul & semel.

2 Left Malefactors, who have committed Theft, Murther, and the like crimes, crave the benefit of the Act of Pacification and Oblivion, (for whom it is no wayes intended) there would be an exception from the said Act of all Legall pursuit intended or to be intended within the space of an yeere after the date of the Treaty. Again, all Theeves, Sor-ners, Out-laws, Fugitives, Murtherers, Broken men, or their Receptors for whatsoever Theft, Reifs, Harships, Oppressions, Depredations, or Murther done or committed by them, and all lawfull Decrees given, or to be given by the Parliament, or any Commissioners to be appointed by them for that effect, who shall have power to dignosce and take cognition, whether the same falls within the said Act of Pacification and Oblivion, or not.

3 It is desired, that the demand concerning the not making or denouncing of warre with Forraigners, without consent of both Parliaments, may be condescended unto by the King and Parliament of England, which is ordinary and universally observed in all mutuall Leagues which are both defensive and offensive. And because the wars denounced by one of the Kingdomes with Forraigners, although made without consent of the other Kingdome, will ingage them by necessary consequence, or if the consideration of that Proposition shall require longer time then the present condition of the important affaires of the Parliament may permit, and lest the speedie close of the Treaty bee thereby impeded, It is desired, that this Demand, with the two other Articles of the same nature, the one concerning Leagues and Confederations, and the other concerning mutuall supply in case of forreigne invasion, may all three be remitted to Commissioners, to be chosen by both Parliaments, who shall have power to treat and advise thereupon for the good of both Kingdomes, and to report to the Parliaments respective.

4 It is desired, That the Articles concerning Trade and Commerce, Naturalization, mutuall Priviledge and Capacity, and others of that nature already demanded, may be condescended unto by the King and Parliament of England, And namely, that demand about the pressing of ships or men by Sea or Land: Or if shortnesse of time and exigencie of affaires may not permit the present determination of these Demands, It is desired that the same (except so many of them as are already agreed unto by the Commissioners for Trade) may be remitted to the Commissioners to be chosen by both Parliaments, who shall have power to treat and advise thereof for the good of both Kingdomes, And to make report

report to the Parliaments respectively. And that the Charters or Warrants of the Scottish Nation for freedome of shipping in England or Ireland, from all Customes, Imposts, Duties, and Fees, more then are payed by the Natives of England and Ireland, granted by King James under the broad Seal of England, upon the eleventh of April, the thirteenth yeere of his Reigne, and confirmed by King Charles, the nineteenth of April, the eighth yeere of his Reigne, may be ratified and enacted in the Parliament of England.

5. That the extracts of Bands and Decrees put upon Record and Register in Scotland, may have the like faith and execution as the French Tabelliones have in England or Ireland, seeing they are of alike nature, and deserve more credit: and if this cannot be done at this time, that it be remitted to the former Commission from both Parliaments.

6. The manner of safe conduct for transporting the money from England to Scotland by Sea, or Land, would be condescended upon in such a way as the charges be not exorbitant.

7. The tenour of the Commission for conserving of peace would be condescended unto, together with the times and places of meetings, and whole frame thereof: the draught whereof, when it is drawn up in England, is to be represented to the Parliament of Scotland, that they may make like Commission, and name their Commissioners for that effect.

8. The Parliament of Scotland doe joyne their earnest & hearty desire, and crave the Parliament of Englands concurrence, that none be in place about the Prince his Highnesse, but such as are of the reformed religion.

9. That an Act of Parliament of publike faith for payment of the 220000. pounds of the brotherly assistance which is arrear, may be presently framed, and expedited according to the termes agreed upon.

10. It is desired, that the Quorum to whom the Scots should adresse themselves for payment of 220000. pounds, be condescended upon.

11. That the order for recalling all Proclamations &c. made against his Majesties subjects of Scotland, be drawn up, and intimated in due forme and time, with the publick thanksgiving at all the Parish Churches of his Majesties Dominions.

12. It is desired, that the Articles concerning the Castle of Edinburgh, and other strengths of that Kingdom may be understood to be, that the same shall bee disposed of for the weale of the Kingdome, as the King and Parliament shall think expedient.

THE ENGLISH LORDS COM-missioners answer.

1 That upon the disbanding of the Scottish Army, the Garrisons of Barwick and Carlile shall be removed, according to the Article of the Treatie on that behalfe.

2 The second Article is condescended unto, according to the provision added to the Act of Oblivion and Pacification.

3. 4. 5. 6. The third demand concerning the making of war with forreigners, with the other two Articles concerning Leagues and Confederations, and concerning mutuall supply and assistance against

against forraine invasion, is agreed to be referred to Commissioners to be chosen by his Majesty and the Parliaments: As likewise the 4. 5. and 6. Articles, concerning Trade, Commerce, Naturalization, mutuall priviledge and capacity, and others of that nature, and the demands concerning the extracts of Bands and Decrees, and the maner of safe conduct for transporting of moneys from England to Scotland, are all referred to be taken in consideration by the Commissioners to be appointed by both Parliaments, who shall have power to advise and treat thereupon, and report to the Parliaments respectively.

7 It is just that the tenour of the Commission for conserving of peace should be agreed upon by mutuall consent, but the closing of the treaty not to stay hereupon, but to be left to the Commissioners to be named.

8 To that desire concerning such as should be placed about the Prince, the King hath already given a cleere and satisfactory answer.

9 That there be an Act of Parliament of publike faith, for securing the payment of 220000 pounds, which is arreare of the brotherly assistance, is just, and order is given for it accordingly: And it shall be communicated with the Scottish Commissioners that it may be a perfect security.

10 The tenth, for appointing a Quorum for attending the payment of the money, is already moved to the parliament, & will be done as is desired.

11 The eleventh article is very just, and order shall be given accordingly for recalling all Proclamations, &c: and for publick Thanksgiving.

12 This Article for the Castle of Edinburgh and other strengths of Scotland, is to be settled betwixt his Majesty and the Commissioners of Scotland, or by his Majesty and Parliament of Scotland.

All which Articles are assented unto, and approved by his Majestie, with advice of the Parliament of England, and by the Committees of the Parliament of Scotland, and are necessary, for publick declaration of mutuall consent, and for firme observation, to be confirmed and ratified in the Parliaments of both Kingdomes:

BE it therefore enacted by his Majesty, with the assent of the Lords and the Commons in this present Parliament assembled, that the said Treaty, and all the Articles thereof, assented to, as aforesaid, be and stand for ever ratified, and established, and have the force, vigor, strength and authority of a Law, Statute, and Act of Parliament.

Like as this afore-written Treaty, and whole Articles thereof, are by his Majesty and the States of the Parliament of Scotland, enacted and ordained to have in all time comming the full force and strength of a true and perfect security, and Act of the said Parliament.

And his Majesty for himselfe, and his Successors doth promise, *in verbo principis*, never to come in the contrair of this Statute & Sanction, nor any thing therein contained, but to hold the same in all points firme & stable, and shall cause it to be truly observed by all his Majesties Leiges, according to the tenor and intent thereof for now & ever.

Like as the Parliament of both Kingdomes give full assurance, and do make publick faith in name of both Kingdomes respectively, for the true and faithfull observance of this Treaty, and whole Articles thereof, of inviolably, *hinc inde*, in all times to come.

Like

Like as his Majesty, with advice of the estates of Parliament, commands the clerke of Parliament, to insert and registate the same in the booke of Parliament, and to give the extract of this Act under his hand to the director of the chancellary, Whom they command to write the same to the great Seale, and the keeper of the great Seale to append the great Seale thereto. And declares that the same being so sealed and returned to the Parliament of England, is and shall be unto them a full and perfect security, By this their act, given at Edinburgh the 26. of August 1641. yeares.


ACT VII.

ACT DISCHARGING JAMES BANNATINE His patent of the pearling. *Ultimo Augusti, 1641.*


Our Sovereign Lord and Estates of Parliament, having read and considered the reasons, grievances and prejudices given in, and complained upon in this present Parliament against the gift and patent granted to James Bannatine in leith anent the pearling, and finding the same gift and patent hurtfull and prejudicial to the country and lieges: Have therefore rescinded, retreated, cassed, annulled and discharged, and by the tenour hereof, rescinds, retreats, casses, annuls and discharges *simpliciter*, the foresaid gift & patent granted to the said James Bannatine anent pearling, And declares the same gift and patent to be extinct, null and ineffectuall in all time comming. And also our said Sovereign Lord, with advice and consent of the estates of Parliament, prohibits and discharges all importation and inbringing of forraigne pearling within this kingdome in any time comming, under the paine of confiscation thereof to his Majesties use. And siclike our said Sovereign Lord, with advice foresaid renews the act of Parliament made, *in anno*, one thousand six hundred twentie one yeares, Intituled anent banquetting and apparell, in the second head and article thereof, That no person of whatsoever degree shall have pearling or ribbining upon their ruffes, bands, serkes, napkins and socks, except the persons priviledged in that act: And the pearling and ribbining to be so worne by them (if any be) to be of these made within the kingdome of Scotland, under the paine of an hundred pounds *toties quoties*, as the said act in that article thereof beares: And ordains the same act in that head and article foresaid, to have full strength, force and execution, and to stand as a Law, conforme to the tenour thereof.

H 2 ACT

ACT VIII.
ACT DISCHARGING UNLAWFULL
Marriages, 1. September, 1641.


UR Sovereign Lord and Estates of this present Parliament, considering the great abuse and dangerous evill that hath followed, and may follow upon frequent marriages of the persons Inhabitants within this Kingdome, going to the neighbour Kingdomes for getting themselves married there, which they could not obtaine in this Kingdome by the lawes and constitutions thereof, Therefore, and for remedy of that evill, and for preventing such in time comming, prohibites and discharges all men and women, having both their ordinary residence within this Kingdome, to get marriage to themselves with others within the Kingdome of England, or Ireland, without Proclamation of Banes here in Scotland, and against the order and constitutions of this Church or Kingdome, under the pains following: *viz.* for ilk Nobleman so married, one thousand pounds, for ilk landed Gentleman one thousand markes, for ilk Burges five hundred pounds, and for ilk other substantiall person five hundred markes, for a Yeoman one hundred pounds, for ilk person of inferiour qualitie one hundred markes: The one halfe of the which penalties shall belong to the King, the other to the Parish or Parishes where the married parties did reside: And ordains the King and Kirks Advocate to pursue before the civill Judge therefore: And in case of the poore condition of any man married in manner foresaid, Ordains him to be punished by stocks or irons: Which paines corporall and pecuniall shall no wayes be prejudiciall or derogate from the order and censures of the Kirk, to be inflicted against the delinquents.

ACT IX.
ACT ANENT NON-COVENANTING
Patrons, 2. September 1641.

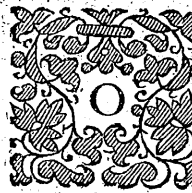
UR Sovereign Lord and Estates of Parliament, considering, that all his Majesties subjects within this Kingdome are by Acts of Parliament ordained to subscribe their Nationall Oath and Covenant, Therefore his Majestie and Estates ratifie and approve the Act of Parliament made by his Majesties dearest Father of blessed memorie, *Parl. 1. c. 9.* whereby it is ordained, that no person be Judge, Procurator, Notar, or Member of Court, who professeth not the true Religion, together with the Act of ratification thereof, with the addition and declaration thereof therein contained, made by his Majesties said umwhile Father, *Parl. 20. cap. 3.* And finds and declares, that the saids Acts shall be extended to all persons whatsoever, who have not subscribed, or refuse to subscribe the said Nationall Oath and

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and Covenant. And such like findes and declares, That where any of the saids refusers to subscribe have right to presentation of Kirks, that it shall not be lawfull to them, to present any persons, to the Kirks vacand, but that the planting of the saids Kirks and admitting of Ministers thereto, and to the stipends and provisions thereof, upon sute and calling of the Congregation, shall pertaine *pleno jure*, to the Presbyteries, within the which the saids Kirks lye, ay, and while the saids patrons subscribe the saids Nationall oath and Covenant.

ACT X.
ACT FOR FREEING OF VICCARAGES,
Provided to Ministers for their stipends, of taxations.
2. September, 1641.

UR Sovereign Lord and Estates of Parliament, considering the distractions that Ministers are brought into, and other prejudices and losses sustained by them, by taxations craved of viccarages, which are assigned and provided to them as a part of their stipends, in so far as they are assigned and provided and that it is against all reason and equitie, and former Acts of Parliament, That Ministers stipends should be burdened with impositions and taxations: Therefore Statutes and Ordaines (for eschewing of these inconveniences and prejudices) that no viccarages teinds, nor rents thereof assigned and provided, or to be assigned and provided to Ministers as a part of their stipends, be burdened or affected with any taxations of impositions by gone, resting, owing, unpaid, or in time coming, in so far as can be extended to the saids teinds, and rents of viccarages assigned, or to be assigned to them, and whereof they are, or shall be in possession by the saids assignations: But declares the same to be free thereof in all time comming.

ACT XI.
ACT ANENT RAISING OF MALICIOUS
Suspensions, against Ministers, Colledges, Schooles
and Hofpitals. 9. September 1641.

UR Sovereign Lord and Estates of Parliament, considering the great inconveniences that the Ministers of this Kirk are brought into, by malicious delayes, or refusing of the payment of their stipends, by unreasonable suspensions, or by contempt of decreets obtained against persons obliged for payment of their stipends, and that the Ministers charges are so exorbitant in the sute of law, that their stipends craved will not defray the same, and that they are exceedingly distracted from their callings, to the
H 3 great

great prejudice of their congregations, and that they doe suffer many other prejudices and losses: Therefore Statutes and Ordaines, that no suspensions be hereafter granted against Ministers charging for their stipends, without consignation of the summes of money charged for, if the stipend consist in money: or of an hundredth markes for ilk chalder of victuall, and of the just proportion of an hundredth markes for ilk quantity of victuall under a chalder, if the stipend consist in victuall, where the same is not converted: and where the same is converted, upon the consignation of these summes whereunto the victual is liquidate and converted. Which consignation of money for victual as above said, is without prejudice to the judges, to decerne the greater or lesser price for victual charged for, according to the probation: Providing alwaies, that if the person charged make reall and timous offer to the minister at his dwelling houle, or (at the least) at the place where he is obliged or accustomed to deliver the said victual, before a notar and two witnesses, at the least, of the whole victual adedted or charged for, in good and sufficient stuffe at the termes of payment thereof, lawfull requisition being first made to the minister to receive the same before a notar and witnesses, as said is, then the person charged for, shall not be astricted to consigne money for victuall in manner foresaid. And such like it is provided, that the judge shall discerne twentie markes of expences for ilk hundred markes (at the least) against the malicious charger or suspender. And in case any person charged for ministers stipends shall contemptuously goe to the home and lie thereat, Our Sovereigne Lord and Estates foresaid, Statutes and ordaines, that the donators to the single or life-rent escheat of the rebell, having writ either from his Majestie or any Lords of regality, or any superiours whatsoever intronnetters with the saids escheat, goods and geir, mails and dueties of Lands, or Tithes falling within the compasse of the said escheate, single or life-rent, and all and whatsoever intronnetters shall be lyable in payment of the ministers stipends, and of all charges, penalties and dammage which the said rebell should have been lyable to himselfe, and that actions shalbe competent therefore against them, Providing the causes of the horning, whereupon the gift is taken, and the expences of the passing thereof be first satisfied, and that the donator hath intronnetted or might have intronnetted with as much as might have paid the ministers stipend: and that no suspension shalbe granted of decreets obtained against the said donators and intronnetters but in the manner foresaid. And our Sovereigne Lord and Estates foresaid declares, that this Act shalbe extended to universties, colledges, schooles and hospitals, masters and members thereof, for the more ready and thankefull payment to them of their stipends, provisions, mortifications, revenues, and their dueties whatsoever.

ACT

ACT XII.
ACT FOR ABOLISHING OF MONUMENTS
Of Idolatrie. 10. September. 1641.

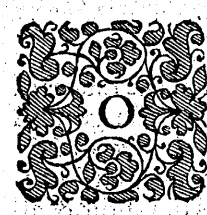


Our Sovereigne Lord with consent of the Estates of Parliament, understanding, that the generall Assembly of the Kirk hath by their speciall Act, made 30. July, 1640. sess. 3. Ordained all Idolatrous Images, Crucifixes, Pictures of Christ, & all other Idolatrous Pictures, to be demolished and removed forth, and from all Kirks, Colledges, Chappels, and other publick places. Therefore ordaines all Presbyteries to take dilligent tryall of all idolatrous Pictures and Images, being within Kirkes, Colledges, Chappels, and other publick places, and after tryall intimate the same, first to the owners and parties themselves; that they may remove the same: and in case they doe neither appeale presently from the presbyterie in the ordinarie way to the Synod and generall Assembly, nor remove them within the space of three moneths, then to intimate the same to all Sheriffs, Stewards, Bayliffs, Magistrates of Burghs or Regalities, within the which the same shall be found: and ordaines them upon the requisition to be made to them by the saids Presbyteries, Moderator, or Brethren thereof, to raze, demolish, abolish, cast down or deface all these Idolatrous Images, Pictures, and other idolatrous monuments foresaid, according as they shall be enjoyned and directed from the saids Presbyteries from time to time, ilk one of them, within their own bounds and jurisdiction *respective*, except in the case of appellation aforesaid: And if the Presbyteries be negligent, that they be censured by the Synods and generall Assemblies, and the Sheriffs, and other officers foresaid (in case of their negligence,) to be censured by the secret Councell, as they shal think reasonable: And prohibites, and discharges all making of any such Images or idols, and all up-putting of the same in all time comming under all highest paines, to be inflicted upon the contraveners thereof.

ACT

ACT XIII.

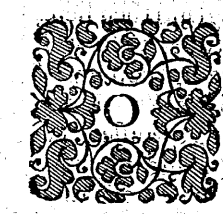
ACT ANENT NON-COMMUNICANTS
And Excommunicate Persons. 10. September 1641.

UR Sovereigne Lord and Estates of Parliament, Ratifies the two Acts of Parliament anent the escheats of excommunicate persons made by his Majesties Father of blessed memory; one therof *Par. 14. cap. 197.* and the other *Par. 20. cap. 13.* with the addition and declaration following, that no gift of escheat past or to bee past upon excommunication, or horning upon excommunication shall be vallid; but the same is declared to have been, and to be null in all time coming, by way of exception or reply: and declares the saids two Acts ratified, as said is, with the addition foresaid made thereto; to be extended to all excommunication pronounced, or to be pronounced against whatsoever person or persons, and for whatsoever causes: And further, His Majestie and Estates foresaid, Ratifies and approves the Act made by his Majesties Father, *Par. 16. cap. 17.* anent non-communicants every year once, with this declaration and addition, that the penalties of the contraveeners, modified in the said Act, be payable in all time coming to the severall Presbyteries within the Jurisdiction, whereof the contraveeners dwell, to be applied by them *ad pios usus*: And that the said Presbyteries, or any they appoint, shall have power to crave, receive and pursue for the same: And further, Our Sovereigne Lord and Estates foresaid, for the greater terror and the more effectuell reclaiming of all excommunicate persons, declares that all persons whatsoever, according to the degrees and qualities mentioned in the said Act, lying under the sentence of excommunication, shall be lyable to the paines and penalties therein contained; and that yearly after the sentence of excommunication, ay and while they be relaxed therefrom; and reconciled to the Kirk: And also declares, that the said yearly penalties against excommunicate persons shall pertain to every paroch Kirk, and Kirk session, in burgh or land-ward; within their owne bounds, to be applyed *ad pios usus*: And that they, or any person they appoint, shall have power to crave, receive, and pursue the same, to be applyed to the pious uses of the severall paroch Kirk sessions, where the contraveeners dwell: And in case of the paroch kirk sessions their slacknesse, the Presbyterie to exact after the expiration of yeare and day after the contraveening. And further declares the donators to the excommunicate persons their simple escheat and life-rent, and all other intrometers with their goods and geir and livings, shall be liable to the payment of the saids paines and penalties in the same manner, as the excommunicate persons are lyable themselves. And because in the said Act there is no particular penalty modified against Burgeses, Therefore His Majestie and Estates foresaid, ordaines everie Burges that beares, or hath borne office of Magistracie, so oft as he shall contraveene the

the said Act, To pay the summe of two hundred marks, and every other burges the summe of fourtie pounds: And such like ordaines the said persons, to be liable in the saids penalties *respective*, not only for their own personall contraveening of the said Act, but also so oft as the same shall be contraveened by their wives *respective*, and also so oft as the same shall be contraveened by their children, they shall incurre the sif part of the saids paines, *respective*, for every bairne, not forisfamiliar, and of the age of fifteen yeares compleat, and that *toties quoties* they shall contraveene the said Act: And such like; that every servant so oft as he shall contraveene the said Act, shall pay one yeares fee, *toties quoties*, lawfull requisition being alwaies made to the saids Wives, Children and Servants by their Pastor or Presbyterie to give obedience to the said Act.

ACT XIII.

ACT ANENT THE BULLION.
10. September, 1641.

UR Sovereigne Lord and Estates of Parliament, Considering that one of the chiefe waies for bringing in of money into this Kingdome, hath been bullion, which now for lacke of the true way of managing thereof, is become unprofitable. Therefore our Sovereign Lord, with advice and consent of the saids Estates, Statutes and Ordaines that in time coming all and every Merchant passing forth of this Kingdome with any Merchandize, or sending the same forth of this Countrie, at the customing of the saids goods, shall find sufficient security to the customers, for importing and inbringing such quantity and proportion of Bullion as by the Lawes of this Kingdome is due for the saids goods transported by them, and shall accordingly deliver the same, and cause be delivered to the Master of the Coine house, and shall receive back again his Majesties coine of this Kingdome: And shall make faith, that the same was brought by them from forraign parts, or by others in their name: and discharges all payment of Bullion before the hand, and all pactions made anent Bullion one with another, and paying of the same with his Majesties coyne, or with any silver that is within the Countrey already, under the pain of doubling of the said Bullion: As also because the Bullion is ordained to be payed to the master of His Majesties coine house, who hath his only residence in *Edinburgh*, and that thereby many Merchants who dwell not within the said Burgh will be put to great and unnecessary charges, for a small matter of Bullion, Therefore it is declared, that it shall be lawfull to the saids Merchants to send the same to the said Master of the coine house, providing he send therewith an attestation under his oath and hand, if he can write, and under his mark if he cannot write, and both before two subscribing

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cribing witnesses of Magistrates, or Councell of the Burghs where they dwell, that the said Bullion due by him was brought within this Kingdome from forraine parts, and that the same was not acquired nor bought by him within the same.

ACT XV.

ACT ANENT THE ELECTION OF Officers of Estate, Counsellours, and Sessioners. 16. September, 1641.

OUR Sovereign Lord and the Estates of Parliament, considering, that whereas there was an Article in the Treatie anent the manner of choosing and placing of Officers of State, Counsellours, and Sessioners, whereof the answer was remitted to be determined by his Majestie and this Parliament: And his Majestie being willing to give this his ancient and native Kingdome all satisfaction possible, That fit and qualified persons shall ever fill these places, And considering that his Majesties residence (because of his great affaires) will be more ordinary in England then here, whereby the qualification of persons may not at all times be so well knowne to him: Therefore his Majestie, with advice and consent of the Estates of Parliament, Declares for himselfe and his Successors, That he will nominate and make choice of such able and qualified persons to fill these places, as shall be fittest for his service, and may give most contentment to the Estates of Parliament: Which nomination and choice His Majestie will make, with the advice and approbation of the saids Estates of Parliament, during their sitting: And if any of the saids places shall happen to vake, and must be provided in the intervall betwixt Parliaments, his Majestie will choose and nominate Officers of State and Counsellours, with the advice and approbation of the Councell, all that number being warned upon 15. daies calling to meet thereanent, and most part of the whole consenting: And in like manner the Sessioners, with the advice and approbation of the most part of that House. Which elections, made in the intervall, shall be allowed or disallowed in the next ensuing Parliament, as the Kings Majestie and the Parliament shall think expedient: And the Officers of State, Counsellours, and Lords of Session, so nominated and chosen by his Majestie and the Parliament, or allowed by his Majestie and them, shall be provided *ad vitam vel culpam*, and they all shall be lyable to the censure of the Kings Majestie and Parliament.

ACT

Act 16.17. THE OF KING CHARLES. 1641 95

ACT XVI.

ACT ANENT THE ELECTION OF THE Lord Lowdown to be Chancellour. Ultimo Septembris, 1641.

HE which day the Kings Majesty, with the advice and approbation of the Estates of Parliament, did nominate and elect *John* Lord Lowdown to exerce and discharge the place and office of High Chancellour of this his Highnesse ancient native Kingdome, and gave and disposed to him, during all the dayes of his life time, the said office, with all honours, dignities, profits, liberties, and priviledges, which have bene posselt and bruike by any preceding Chancellours, and which may be now bruike by the Lawes of this Kingdome: Like as his Majestie, with advice and approbation foresaid, makes and constitues the said *John* Lord Lowdown, during all the dayes of his life time, High Chancellour of this his said Kingdome, to be bruike and enjoyed by him, with all dignities, honours, commodities, liberties, and priviledges, which have bene posselt and bruike by any preceding Chancellours, and which may be now bruike by the Lawes of this Kingdome: and ordaines a gift and patent to be past under His Highnesse great Seale to the said *John* Lord Lowdown thereupon.

ACT XVII.

ACT ANENT THE CHANGE OF THE Terms. 29. October, 1641.

OUR Sovereign Lord and Estates of Parliament, Considering the great prejudice his Majesties Lieges doe sustaine by the inconveniencie of the present termes of payment of their debts and annuall Rents at Whitlunday and Martinmas heretofore, Where as if the same were altered and changed to Lammas and Candlemas yeely, they might get in their owne rents and dieties to pay their lawfull creditors therewith, more easily at the said Termes of Lammas and Candlemas, then at the former termes of Whitlunday and Martinmas: Therefore Our Sovereign Lord and Estates of Parliament have now altered and changed the foresaid former course of the Termes of payment from Whitlunday and Martinmas to the Termes of Lammas and Candlemas, in all time hereafter, And ordains the same to be the usual Termes of payment of all debts and annuall, and for using of all order of Redemption, & ordains all Premonitions & Requisitions to be made before the said Termes of Lammas and Candlemas, in place of the Termes of Whitlunday and Martinmas, in time coming: Notwithstanding of any clauses,

ses of Redemption, Premonition, or Requisition, contained in any Bands or other Writs, bearing the same to be made or done, either before Whitunday or Martinmas, in manner therein specified. Whereanent our Sovereign Lord and Estates of Parliament dispenses for ever, Beginning the first Termes Redemption, Premonition, or Requisition, at and before Candlemas next, in place of the Terme of Martinmas, and the next Terme at and before Lammas next, for and in place of Whitunday, and so forth yearly and tearmly in all time coming. But prejudice to all creditors of all their just annual rents that shall be due to them from Martinmas next to Candlemas next to come, and from Whitunday to Lammas, which is declared to be one quarters annual, And likewise but prejudice to them of all other bygone annual, resting, owing to them of whatsoever other years or terms preceding, which are and shall be payed at the Terme of Candlemas next: And this Act to be understood only for borrowing and lending of moneys, upon band or infestment, and payment of annual rents, and the former Termes of Whitunday and Martinmas to stand for redemptions, proper woodsets, fitting and removing of Tenants, both in Burgh and Land.

ACT XVIII.

ACT ANENT THE CHARGES AND Expences of the Commissioners for the Barons,

11. November, 1641.

OUR Sovereign Lord and Estates of Parliament ratifie and approve the Acts made by his Majesties Predecessours, King James the first of worthy memorie, in his 7. Parl. and 101. Act thereof: and the Act made by his Majesties unwhile dearest Father of worthy memorie in his 22. Parl. anent the Commissioners of small Barons in Parliament, in the whole Heads, Clauses, and Articles thereof: And specially that Article of the said last Act, bearing, that all Free-holders be taxed for the expences of the Commissioners of the Shires, passing to Parliaments or Generall Councils: And letters of horning and pouding to be direct for payment of the summes taxed for that effect, upon a simple charge of six dayes allanerly, With this addition for clearing of the quantity and manner of the said taxation, that there shall be allowed to every one of the saids Commissioners, for their whole charges and expences, five pounds every day for their expences upon any parliaments, or generall councils, counting the first and last daies, from the down sitting and rising of the saids Parliaments: with such other dayes allowed for the Commissioners of every shire, for their coming to the saids Parliaments or generall Councils, and returning therefrom, from time to time as they shall fit or be adjourned, viz, for the Commissioners of the shirisdome of Edinburgh for their coming and going, one day: of Fife, two dayes: of Linlithgow, two dayes:

dayes: of Clydesdail, four dayes: of Nitbisdail, four daies: of Dumbartane, four dayes: of Sterling, two dayes: of Hadingtoun, one day: of Berwik, four dayes: of Clakmannane, two daies: of Kinrosshire, two dayes: of Peiblis, two dayes: of Bute, six daies: of Angus, four dayes: of Pearth, four dayes: of Mearnes, four dayes: of Air, four dayes: of Wigtoun, six dayes: of Kirkcudbryght, four daies: of Roxburgh, four daies: of Aberdene, eight dayes: of Renfrew, four daies: of Selkirk, two daies: of Bamff, eight dayes: of Elgine, ten dayes: of Narne, ten daies: of Argyle, eight dayes: of Invernes, twelve daies: of Caithnes, sixteen dayes: of Sutherland, fourteen dayes: of Orkney, thirtie dayes: The which daily allowance, after the rising of the said Parliaments or generall Councils, shall be calculate and put in a summe by the Clerk of Parliament under his hand, to be divided and imposed proportionally upon the whole freeholders, heritors and life-renters, holding of the Kings Majestie and the Prince, according to the proportion of their Lands and Rents, lying within the shire, Excepting alwayes forth of this Act, all the Lands belonging to the Noblemen or their immediate Vassals: And therefore declares, that their Lands holden of his Majesty or Prince, and their Vassals, to be free of the said tax, notwithstanding of this present Act, or any Act preceding: And that letters be direct thereupon by the Lords of Session, to charge the Free-holders, heritors and life-renters holding of his Majesty and the Prince, to convene at the head Burgh of every shire, upon one speciall day, for dividing and setting down the proportion thereof in manner foresaid: With power also to stent the saids free-holders, heritors, and life-renters, for the tenth penny more of the said whole summe, so calculate for the expences of the letters to be raised therefore, and others charges in the collection thereof; with certification that such as shall convene, shall have power to proceed, notwithstanding of the absence of the rest: And that letters of horning and pouding be direct thereupon, at the instance of the said Commissioners, for payment thereof, in manner above-written: And if payment be not made within the dayes contained in the charge, so that the Commissioners be forced to poud therefore, Then and in that case, it shall be lawfull to poud for the double of the summe charged for, by and attour the Sheriffe. And that no suspension passe thereupon, but upon consignation allanerlie, and if the suspension discuss against the suspender, in that case the suspender shall be ordained to make payment to the Commissioners of the double of the summe charged for by and attour the Commissioners others charges, and expences in discussing the suspension, And this Act to take effect, for the commissioners of this present Parliament, and all Parliaments hereafter.

ACT XIX.

ACT IN FAVOURS OF THE COMMISSIONERS for the Sherifdome of Sutherland, 11. November, 1641.

OUR Sovereign Lord and Estates of Parliament, considering that by an Act of the date of thir presents made anent the expences of Commissioners of Shires passing to Parliaments, or Generall Councils and Conventions, allowance shall be given to the saids Commissioners for their whole charges and expences, in manner specified in the said Act: And that the daily allowance appointed for ilk Commissioner, in manner mentioned and divided in the said Act, after the rising of the saids Parliaments, or generall Councils, shall be calculate and put in a summe by the Clerks of Parliament, under their hand, to be divided and imposed proportionally upon the whole Freeholders of the Kings Majesty and the Prince, according to the stent of their lands lying within the Shire: And that letters be direct thereupon by the Lords of Session to charge the saids Freeholders of his Majesty and Prince, to convene at the head Burgh of every Shire upon a special day, for dividing & setting down the proportion thereof, in manner foresaid, as the said Act made in favours of the said whole Commissioners of small Barons and Shires at more length bears. And his Majestie and the saids Estates, considering, that in the Parliament in the year of God 1633. a particular Act of Parliament was made in favours of the Free Barons, and others Inhabitants within the Sherifdome of Sutherland, giving power to them to elect and choose their own Commissioners for the said Sherifdome, to compear at Parliaments, meetings, and generall Conventions within this kingdom, at all occasions, And considering likewise, that by the said Act, made in favours of the saids whole Commissioners, the Commissioner chosen and attending this present Parliament for the Sherifdome of Sutherland, and the Commissioners who shalbe chosen and sent from the said Sherifdome of Sutherland to attend thir Parliaments, Generall Councils, and other Generall meetings and Conventions of Estates hereafter in all time comming, shall have no allowance of their expences and charges to be depurft by them in the said service, albeit the said Shire be one of the remotest and farthest distance in the Kingdome: Because there is onely two Inhabitants within the said Shire holding Lands of the Kings Majesty, the whole remanent heritors being either Vassals to the Earle of Sutherland, or holding their Lands of some other Superiour: And so according to the said generall Act, the allowance of the Commissioner of that Shire cannot be divided, nor imposed for payment and satisfaction of his charges and expences, except the samine be extended against the Heritors, Fewars, and Freeholders within the said Sherifdome, holding lands of other Superiours in manner under written. Therefore His Majesty, and Estates of

of Parliament, ordains the allowance appointed by the said generall Act, in favours of the Commissioners of the said Sherifdome of Sutherland, to be extended, divided, and imposed proportionally upon all and sundry Heritors, Fewars, Life-renters, and Freeholders within the said Shire, whether they bee Vassals to his Majesty, or holding their lands of any other Superiours whatsoever, according to the stent of their lands lying within the said Shire: and that letters be direct thereupon by the Lords of Session, to charge all and sundry the Heritors, Fewars, Life-renters, and Freeholders within the said Shire, holding of any Superiour whatsoever, to convene at *Dornoch*, being the head Burgh of the said Shire, upon a speciall day, for dividing and setting down the proportion thereof, in manner foresaid: With power also to stent all and sundry the saids Heritors, Fewars, Life-renters, and Freeholders, holding of whatsoever Superiour within the said Shire, for the tenth penny more of the saids whole summes so calculated for the expences of the letters to be raised therefore, and others charges in collecting thereof: With certification that such as shall convene, shall have power to proceed, notwithstanding of the absence of the rest: And that letters of horning and pounding be direct thereupon at the instances of the saids Commissioners for payment thereof, in manner aboye written: And if payment be not made within the dayes contained in the charge, so that the said Commissioners shall be forced to pound therefore, then, and in that case it shall be lawfull to pound for the double of the summe charged for by and attour the Sheriffe: And that no suspension passe thereupon, but upon consignation allanerly. And if the suspension shall discusse against the Suspende, in that case the Suspende shall be ordained to make payment to the Commissioners of the double of the sum charged for, by and attour the Commissioners others charges and expences in discussing the suspension: And this Act to take effect for the Commissioners of this present Parliament, and all Parliaments hereafter.

ACT XX.

ACT ANENT THE NOMINATION And election of the Officers of Estate. 13. November, 1641.

THE which day the Kings Majesty, with advice and approbation of the Estates of Parliament, convened in Parliament, nominated and elected the persons underwritten to the places and offices of Estates of this Kingdome *respective* after mentioned, formerly possess by them: *viz.* Robert Earle of Roxburgh, to the place and office of Privie Seale: William Earle of Lanerk, to the place and office of Secretarie: Sir Thomas Hope of Craighall, to the place and office of his Highnesse Advocate: Sir James Carmichael, to the place and office of Treasurer depute: and Sir John Hamilton of Orbestoun, to the place and office of Justice Clerk, and

and that *ad vitam vel culpam*, conforme to the Act of this present Parliament made anent the election of Officers of Estate, Counsellours, and Sessioners, upon the sixteenth day of September last by-past, Like as his Majesty, with advice and approbation foresaid, gives and dispones to the forenamed persons, and ilk one of them, *ad vitam vel culpam*, as said is, the foresaid Offices *respective* above mentioned, whereunto they are nominate and elected in manner foresaid. Together with all honours, dignities, profits, benefits, liberties, and priviledges, which have bene posselt and bruike by any preceding Officers of Estate, of the foresaid offices above written, and which may be now bruike by the Lawes of this Kingdome: And ordaines a gift to be past and exped under his Highnesse great Seale to ilk one of the persons above named, of the foresaid offices *respective* above written, whereunto they are nominate and elected, in manner before rehearsed.

ACT XXI.

ACT ANENT THE NOMINATION AND Election of Sir *Alexander Gibson*, to be Clerk Register. 13. November, 1641.

THe which day the Kings Majestie, with advice and approbation of the Estates of Parliament, nominated and elected Mr. *Alexander Gibson* younger of Durie, to the place and office of Clerk of Register of this his Highnesse ancient and native Kingdome of *Scotland*, and that *ad vitam vel culpam*, conform to the Act of this present Parliament, made anent the election of Officers of Estate, Counsellors and Sessioners, upon the sixteenth day of September last by-past: Like as his Majesty, with advice and approbation foresaid, gives and dispones to the said Mr. *Alexander Gibson* younger of Durie, *ad vitam vel culpam*, as said is, the foresaid office of Clerk of Register, with all honours, dignities, priviledges, profits, casualities and liberties, pertaining to the said office, conforme to the foresaid Act, and to the gift to be granted to him of the same office under his Highnesse great Seal, to be bruike and posselt by him as the same hath been posselt and bruike by any preceding Clerk of Register, and which may be now bruike by the Laws of this Kingdome, And ordains a gift to be past and exped under his Highnesse great Seal, to the said Mr. *Alexander Gibson*, of the foresaid office of Clerk of Register, with all honours, dignities, profits, casualities, liberties and priviledges, belonging thereto.

ACT

ACT XXII.

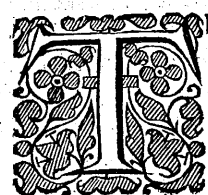
ACT ANENT THE NOMINATION AND Election of the Councillors. 13. Novem. 1641.

THe which day the Kings Majestie, with advice and approbation of the Estates of Parliament, convened in playne Parliament, nominated and elected the Persons under-written, *viz*: Lord *Lowdown* Chancellour, Duke of *Lennox*, Marques of *Hammiltoun*, Earle of *Argyle*, Earle *Marshall*, Earle of *Sutherland*, Earle of *Mar*, Earle of *Mortoun*, Earle of *Eglintoun*, Earle of *Cassils*, Earle of *Glencairne*, Earle of *Murray*, Earle of *Perth*, Earle of *Dumfermling*, Earle of *Wigtoun*, Earle of *Kinghorne*, Earle of *Roxburgh*, Earle of *Seaforth*, Earle of *Lauderdale*, Earle of *Lothian*, Earle of *Kynnowll*, Earle of *Southesk*, Earle of *Weymes*, Earle of *Dalhousie*, Earle of *Findlater*, Earle of *Lanerk*, Earle of *Levin*, Lord *Angus*, Lord *Lindesay*, Lord *Tester*, Lord *Sinclare*, Lord *Elphinstoun*, Lord *Balmerino*, Lord *Burghlie*, Lord *Amont*, Lord *Balcarras*, the Clerk of Register, Advocate, Justice Clerk, Thesaurer depute, Master of requests, Sir *Robert Gordoun*, Sir *William Douglas* of *Cavers*, Sir *Patrik Hepburne* of *Wauchetoun*, Laird of *Dundas*, Laird of *Fintrie*, Laird of *Cambo*, Laird of *Dun*, Laird of *Innes*, Laird of *Morphie*, and the Provest of *Edinburgh*, for the time being, To be of the Councill *ad vitam aut culpam*, conform to the Act made in this present Parliament, upon the 16. day of September last by-past, anent the nomination and election of the Officers of Estate, Counsellors and Sessioners, and conform to the Commission to be granted by the Kings Majestie, with the advice and approbation of the Estates of Parliament, to the saids Lords and others of his Majesties secret Councill above named, for government of this Kingdome in all affairs, concerning the peace, good and happinesse thereof, which by the Lawes and Custome of this Kingdome, pertaine to his Majesties secret Councill: Like as his Majesty, with advice and approbation foresaid, likewise nominated and elected the Earle of *Arrundel*, the Earle of *Pembroke*, the Earle of *Salisbury*, and the Earle of *Holland*, to be supernumerarie Counsellors of his Majesties Privie Councill of this Kingdome, and to be contained in the foresaid commission to be granted to the Councill, as supernumerarie there-intill: And his Majesty, with advice and approbation foresaid, gives and grantes to the saids Counsellors above named, and every one of them, all honours, dignities, liberties, immunities, and priviledges whatsoever belonging to the Lords and others of his Highnesse Privie Councill of this his ancient and native Kingdome, To be bruike and posselt by them, siclike and with all respects, as the same have bene bruike by any preceding Counsellors of his Majesties Privie Councill foresaid, and which may be now bruike and enjoyed by them, by the Laws of this Kingdome, conforme to the foresaid Act of the sixteenth day of September last by-past, and to the commission to be granted to the saids Lords, and others of his Majesties Privie Councill, as said is.

I 3 ACT

ACT XXIII.

ACT ANENT THE NOMINATION AND Election of the Lords of Session ordinary and extraordinary. 13 November 1641.



He which day the Kings Majestie, with advice and approbation of the Estates of Parliament, convened in plaine Parliament, nominated and elected, Sir George Erskene of Innerteil, Sir Alexander Gibson of Durie, Sir Andro Fletcher of Innerpeffer, Sir John Hamiltoun of Orbestoun, Justice Clerk, Sir James Carmichaell, of that ilk Thesaurer depute, Sir James Leirmonth of Balmorie, Sir James Macgill of Craistoun Riddell, Sir George Halyburtoun of Fodderance, Sir John Hope of Craighall, Sir John Scot of Scottisbarbet, Sir Alexander Falconer younger of Hackertoun, Sir John Leslie of Newtown, and Sir Thomas Hope of Kerse, Knights, Mr. Archibald Johnston of Warristoun, and Mr. Adam Hepburne of Humbie: To be the fifteen ordinar Lords of Session, and Senators of the Colledge of Justice, and that ad vitam vel culpam, and Judges for administration of Justice, to the lieges, conform to the foundation and erection of that Sovereigne Judicatorie of the Colledge of Justice: Like as his Majestie, with advice and approbation of the saids Estates of Parliament, gave and disponed, and hereby gives and dispones to the saids fifteen ordinar Lords of Session above named, and to ilk one of them, ad vitam vel culpam, as said is, the fifteen ordinarie places of the saids ordinar Lords and Senators of the Colledge of Justice, with all fees, honours, dignities, profits, casualities, immunities, liberties, and priviledges whatsoever, pertaining, and belonging to the ordinar Lords and Senators of the Colledge of Justice, and their places thereof to be bruiked, and possess by the persons above named, now nominate and elected thereto, as said is: And ilk one of them siclike, and with all respects and priviledges, fees, casualities, immunities, liberties, and profits whatsoever, as the same hath beene possess and bruiked by any preceding Lords and Senators of the said Colledge of justice, and which the saids Lords and Senators foresaid may now bruik and enjoy by the Lawes of this Kingdome, and that ad vitam vel culpam, conforme to the Act of this present Parliament made hereanent upon the sixteenth day of September last by-past. Like as his Majestie, with advice and approbation foresaid, likewise nominated and elected Archibald Earle of Argyle, Archibald Lord Angus, John Lord Lindsay, and John Lord Balmerino, to be the foure extraordinair Lords of Session, and Senators of the said Colledge of justice, conforme to the foresaid Act made anent the nomination and election of the Officers of Estate, Counsellours, and Sessioners, of the date the 16. day of September last by-past. And His Majesty, with advice and approbation of the saids Estates, gave and disponed, and hereby gives and dispones to the saids foure extraordinair Lords of Session above named, and to ilk one of them, the

the foure extraordinair places of the saids extraordinair Lords and Senators of the Colledge of justice, with all honours, dignities, immunities, liberties, and priviledges whatsoever, belonging to the extraordinair Lords of Session, and their places thereof, to be bruiked and possess by the foresaid foure Lords above named, now nominated and elected thereto, siclike and with all respects as the same have beene possess and bruiked by any preceding extraordinair Lords of the Session, and which may be now bruiked and enjoyed by them by the Lawes of this Kingdome.

ACT XXIV.

COMMISSION FOR REGULATING The common burthens of the Kingdome.

15. November, 1641.



OUR Sovereign Lord and Estates of Parliament, Considering, that during the time of the late troubles of this Kingdom, there were many great summes and burdens contracted, undertaken and advanced for the outreiking and maintenance of the Armies, and for other publike affaires: As likewise considering that the counts of the common burdens of the Kingdome, and the accounts of the tenth penny, and of the other debts, resting due and payable to the publike: Together with the accounts and intromissions of all Commissioners, Collectors, & others persons, who have had any charge or intromission with any thing pertaining to the publike, aswell in the Countrey as at the Army, and other parts abroad, are not yet fully closed, cleared, counted for, payed, nor reduced in order: And seeing it is absolutely necessary, that all the debts contracted and advanced for the publike use, either within the Kingdome or without the same, be known, satisfied, payed, and relieved, As also that every thing resting to the publike, be counted for, payed and brought in for reliefe of the common burthens, and that the whole counts of the Armies, and other counts within and without the Kingdome, together with the accounts of the monthly maintenance of the Army, and Brotherly assistance granted by the Parliament of England, for reliefe of the common burthens of this Kingdome, at least so much thereof, as is already payed, be all cleared, fitted and closed, and that the rest and superplus of the said brotherly assistance yet resting, may be craved, uplifted and received for the publike use: And it being likewise necessary, that all and every person, who have had any trust and intromission with any thing pertaining to the publike, either within the Countrey, or at the Armie, or any other place, be called to an account, for their intromission: and that the Generall Officers, and others, who have served in the publike be satisfied

fied and recompensed for their service, according to their demerits, As also that the losses sustained, by the particular persons whose ships and goods were taken at Sea, either in *England* or *Ireland*, be taken to consideration, To the effect, that the whole burthens and debts resting by the publike being knowne, and all that is due to the publike being counted for, payed and brought in for relief of the common burthens, the estate and condition of the publike affairs may be the better known, and accordinglie such course taken thereanent, as may best conduce for the good and weale of the country: And seeing the clearing and settling of the premisses will necessarily draw to such a length of time, as his Majesty and the Estates of Parliament, cannot in this present Parliament receive, call for, nor examine the saids accounts and common burthens of the Kingdome, and settle and order every thing concerning the same; In respect whereof, Our said Sovereign Lord and Estates of Parliament, have found it necessary and expedient, that a select number of the severall Estates of the Kingdom, be nominated, authorized and appointed, for clearing and settling of the whole premisses, and for directing, settling and ordering of every thing which may concerne the same, Or which may offer and come in consideration thereanent. Therefore His Majestie and Estates of Parliament presently convened, do by vertue of thir presents, elect, nominate, choose, authorize and appoint the persons after specified, *viz.* *John* Earle of *Lowdown*, High Chancellour of *Scotland*, *Archbald* Marques of *Argyle*, *Alexander* Earle of *Eglintoun*, *John* Earle of *Casils*, *William* Earle of *Glencairne*, *John* Earle of *Lauderdaill*, *William* Earle of *Lothian*, *John* Earle of *Lindesay*, *David* Earle of *Southesk*, *James* Earle of *Findlater*, *John* Lord *Sinclair*, *John* Lord *Balmerino*, *Robert* Lord *Burghlie*, *George* Lord *Forrester*, *Sir Charles* *Erskene* of *Baneth*, *Sir David* *Hoome* of *Wedderburne*, *Sir Robert* *Innes* of that ilk, *Sir George* *Dundas* of that ilk, *Sir William* *Cunyngnam* of *Capringtoun*, *Sir John* *Wauchope* of *Nidrie*, *Sir Alexander* *Erskene* of *Dun*, *Sir Gilbert* *Ramsay* of *Balymayne*, *Sir Duncane* *Campbell* of *Auchinbrek*, *Sir William* *Forbes* of *Craigievar*, *Sir Robert* *Greirson* of *Lag*, *Master George* *Douglas* of *Bonjedburt*, *William* *Rig* of *Ethernie*, *Alexander* *Gordoun* of *Earlstoun*, *John* *Binnie* *Burges* of *Edinburgh*, *Thomas* *Durham* *Burges* of *Pearth*, *Patrik* *Leslie* *Burges* of *Aberdene*, *George* *Bell* *Burges* of *Linlithgow*, *Patrik* *Bell* *Burges* of *Glasgow*, *James* *Sword* *Burges* of *Saint Andrewes*, *John* *Kennedye* *Burges* of *Air*, *John* *Sempell* *Burges* of *Dumbartane*, *William* *Glendonning* *Burges* of *Kirkcudbright*, *James* *Scot* *Burges* of *Montrose*, *Master Robert* *Barclay* *Burges* of *Irving*, *James* *Anderson* *Burges* of *Couper*, *George* *Gardine* *Burges* of *Bruntland*, and *Master Alexander* *Dowglas* *Burges* of *Bamsf*, Together with *Alexander* Earle of *Levin*, and *Sir Adam* *Hepburne* of *Humbie*, one of the Senatours of the Colledge of Justice, whom His Majestie and Estates of Parliament adde to the foresaid number, as ordinar members with the rest, to be Commissioners from his Majesty and the Parliament, to the effect above and after specified: Of the which persons, any twelve of them shall be a *Quorum*, there being alwaies three of them of ilk Estate: To whom our said Sovereign Lord and Estates, and whole body of the present Parliament, Gives, grants, and

com mits

commits full power, warrant and commission, to meet and convene within the burgh of *Edinburgh*, or such other places as they shall think expedient, Betwixt and the day of next to come at farthest: and there to call for, examine, consider, cleare, fit, allow and count the whole debts and burdens contracted, and undertaken, advanced, furnished and applyed for the publike use, And siclike, with power to them, to reduce the whole debts, counts and burdens resting by the publike, either within the Kingdome or without the same; to be a full and compleat order: And for that effect, to call all persons interest and concerned therein before them, for the better trying, clearing and expeding of the same, or of any difficultie which may offer and occurre in the settling and clearing of the saids common burdens and debts: And with power to the saids Commissioners or *Quorum* foresaid of them; to sit, examine, close, settle, controll and allow the whole counts and intromissions of all commissars, collectors and their deputies and substitutes, and of all other persons who have had any charge, trust, intromission or meddling with any thing pertaining to the publike, or in any publike trust and charge, either within the Kingdome, or without the same, not already approven and allowed by the late Committees of Estate, or either of them: And for that effect Our said Sovereign Lord and Estates of Parliament, grants full power and warrant to the saids Commissioners, to call before them or their *Quorum* foresaid, all commissars, collectors and others, who have had any trust, intromission, or meddling, or who are resting any thing due, and pertaining to the publike, at such dyets and times, and in such manner as they shall prescribe and find expedient, And to call for, examine, controll and allow the whole regiment counts, and other counts of the Armie, within and without the Country, with the accounts of all Victuall, Money, Goods, or other commodities and furniture furnished, received, expended and given out for making up, outreiking and entertainment of the armies, and of all other publike expeditions and employments; and to allow and disallow of the same as they shall find them to be just and reasonable, And with power to the saids Commissioners and their *Quorum* foresaid, to nominate and appoint Collectors, Commissars, and all other publike servants necessary for clearing, ingathering and recovering of the publike dues, debts and rests due; and payable to the publike, and to prescribe orders to them, and to call all others, either authorized already, or to be appointed by them; And to prescribe, direct, and give forth such orders, letters, execution, and other dispatches for clearing of the whole premisses, and for recovery of the debts and burdens resting to the publike, as they shall think expedient, And with power to the saids Commissioners or such as shall be authorized and warranted by them or their *Quorum* foresaid, to crave, receive, uplift and intromet with that summe of two hundred and twenty thousand pounds sterling yet resting, unpaid by the Parliament of England, of the foresaid brotherly assistance, promised and obliged to be payed by the Kingdom of England, for relief and defrayment of the saids common burdens of this Kingdome; and to grant discharges upon the receipt thereof, in whole, or in part, which shall

shall be als sufficient as if the famine were granted by his Majestie, and the whole body of the parliament of this Kingdom; And with power to them to settle, accord and agree upon wayes and meanes, how the said brotherly assistance may be most timouly and commodiously payed and advanced for defrayment and relief of the saids common burthens, either by exchange, advancement, or any other manner of way, which may be most conduceable for the relief and good of the publike; And with power to the saids Commissioners or their *Quorum* foresaid, to take an exact count of the whole ammunition, artillery, armes, & other furniture, either brought home, made, or brought within this Kingdom for the use; and upon the common expences of the publike, and for the reiking out of the Armies and Regiments of foot and horse; and to take course and prescribe orders for keeping and preserving thereof, for the use and defence of the Kingdome, and to appoint and constitute such persons of trust and best experience for keeping and preserving of the famine, as they shall think expedient, and to appoint and allow to them convenient fees and maintenance for the same; As also with power to them to take consideration and course anent the saids losses sustained by particular persons in their ships and goods taken at Sea, either in *England* or *Ireland*. With power also to them to consider every man his losses, that they sustained for the publike, and accordingly give them such satisfaction as they shall find just and reasonable, that they have sustained in spulies, robbery and hearships by the enemies of the countrey; And as moneyes and other commodities due to the publike can be gotten in, With power to them, to give orders for distributing thereof for defraying of the saids common burthens: and where moneyes cannot be gotten in timouly for reliefe and payment foresaid, With power to the saids Commissioners or their *Quorum*, to borrow and lift moneyes where ever the famine may be had, for relief and payment of such urgent debts and creditors of the publike as cannot suffer delay. Which summes so to be lifted and imployed for the use and effect foresaid, His Majestie and Estates of Parliament declares hereby to be the publike debts and burdens of the country, and binds and obliges the estates and whole body of this Kingdome, to pay and defray the same, and to relieve the saids commissioners or any other persons who shall give bands or securities for the same, of the foresaid summes and bands, and of all perill and danger that may follow thereupon: and siclike, with power to the saids commissioners and their *Quorum* foresaid, to give orders, for valuing of all Presbyteries, Paroches, Lands, and other Rents and trade not already valued, Conformè to the preceding statutes, acts and orders made there anent, to the effect, that the tenth peny thereof may be known, and payment may be exacted accordingly. Like as his Majestie and Estates declares, that such persons, presbyteries, burghs and others, who are yet resting their said tenth peny, are and shall be liable in payment of annuall rents for the same, from the terme of Whitsunday, 1640. yeares, and in time coming, aye and while the compleat payment of the famine: And in respect there was divers and sundry Commissions, Letters, and other execution and warrants, directed and given forth by the late Committees of

Estates

Estates residing at Edinburgh, and by the Commissar principall, and Collector generall, and others having power and warrant for that effect, to Collectors, Commissars, and other publike Servants, for ingathering and recovering of payment of the debts and rests payable to the publike: which letters and warrants are not yet fully execute, neither yet is there complete payment recovered, conforme thereto. Therefore our said Sovereigne Lord and Estates foresaid, ordaines the famine Commissions, Letters, and others Warrants, emitted and given forth thereanent, to stand in full force: And the persons entrusted with the managing and executing therof, to do their exact and best diligence thereanent, aye and while their warrants be recalled and discharged by the saids Commissioners, or their *Quorum* foresaid, It is hereby declared that amongst the rest of the common and publick dues and debts due to the publike, that the whole rents of all Bishops and others beneficed persons, whether deposed, fugitives, or opposites to the common cause, for the full cropts and yeares of God 1639. and 1640. yeares, are and shall be due to the publike, Together with all rests of the saids rents preceding the said two cropts not truly paid nor discharged, where there are not true Creditors to affect the saids preceding rests: Which Creditors shall have preferance from the saids rests of the cropt 1638. and precedings allanerly. And farther, if there be any part of the saids rents uplifted by publike order of the cropt 1641. yeares, his Majesty and Estates foresaid hereby dispences therewith in favours of the publike: And generally, our Sovereigne Lord and Estates of Parliament doe hereby grant full power, warrant, and commission to the saids Commissioners, and their *Quorum* foresaid, to do, act, exerce, prescribe, prosecute, and follow forth, all and every thing necessary and behoofeful, as well for clearing, allowing, fitting, and closing of the whole common burthens and debts due by the country, and contracted and advanced for the publike use foresaid, and for reducing them in order, and for relief, payment and defrayment of the famine, and for clearing the accounts of all others, who have had intromission or publike charge either within or without the Country, and for calling of them and all others adebted to the publike in any summes, goods, victual, or other commodities whatsoever, to a full account, and to do, act, and prescribe all other courses, orders and waies necessar, concerning the whole premisses, or concerning any thing which may come in consideration thereanent, or which may fall under the counts of the famine: And what ever debts and burdens shall be approven and allowed by the saids Commissioners or their *Quorum*, His Majestie and Estates findes and declares the famine to be lawfull debts and burdens, To affect and burden the Estates of this Kingdome, and oblige the saids Estates, and whole body thereof, To pay, relieve and defray the same: Like as whatsoever counts shall be approven and allowed, or disallowed by them, the famine shall be sufficient for the exoneration and clearing of the persons comptars and others contained thereintill: And what ever discharges beis granted by them, or any others collectors, commissars, or others, to be substitute, authorized and warranted by them, shall be sufficient exoneration and securities to the receivers of the famine: It

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 is hereby declared, That such counts as are already approved and allowed by the late Committees of Estate, or either of them, shall stand good and vallyd, and shall not be quarrelled by the saids Commissioners, without prejudice to them, to call for, and peruse the same accounts for the better ordering and clearing of the common counts and burdens of the Kingdome: And with power likewise to the forenamed Commissioners and their *Quorum* foresaid, to prescribe wayes and rules to the particular shires, presbyteries and divisions for reliefe, snting and payment amongst themselves, of all publike debursments, advancements and ingagements, contracted, undertaken, furnished, or debursed by the saids shires, presbyteries and divisions, or by their committees of warre, or any particular persons among them, for the common use and behoof of the saids shires, divisions, and presbyteries, either for Armes, the twentieth penny, forty dayes, and Officers pay, or for any publicke use within the saids Shires or Divisions, to the effect that all the Heritors and Inhabitants within the same may be equally stented and burdened with the common burdens of their own Shire and Division where they dwell, and to cause put the saids orders for the said common reliefe to due execution. And our Sovereign Lord and Estates of Parliament finding it just and equitable that the saids Commissioners, their charges and expences in attending and exercising of the foresaid trust and commission put upon them, should be payed and defrayed by the publick: Therefore our said Sovereign Lord and Estates foresaids doe hereby modifie and allow to the saids Commissioners, and ilk one of them, in their severall degrees, according to the time and space of their attendance *respective*, the like fees and allowance as were formerly allowed by the Estates convened in January last, to the members of the late Committee of Estates, conforme to an Act made thereanent of the date the day of the said moneth of January last, Which fees and allowances shall be payed to them, and every one of them, according to the time and space of their exact attendance, to be cleared by the sederunt book of the dyets of their meetings, testified or subscribed by the Clerk of the said Committee or his deutes, under their hands, testifying the time and space of ilk person their attendance, which shall be a sufficient warrant to the Commissars or Collectors of the publicke dues, to pay the same allowance to the saids Commissioners, ilk one of them for their owne parts: And shall be allowed to the saids Commissars, Collectors, or their Deutes in their accounts. And it being necessary that there be an able, qualified and trusty Clerk nominated and appointed for the foresaid Committee, and for keeping of all the papers, warrants, records, and registers concerning the whole premisses, And his Majesty and Estates foresaids having the prooffe and experience of the trust and abilitie of *Robert Hepburne* Advocate, for discharging of the foresaid office and place as Clerk to the said Committee: Therefore our said Sovereign Lord, and Estates foresaids doe hereby nominate and constitute the said *Robert Hepburne* to be Clerke to the said Committee, and ordaines the former fee and allowance appointed for the said *Robert* as Clerk to the said late Committee of Estates residing at Edinburgh,

ACT 24. OF KING CHARLES. 109
 Edinburgh, to continue and be payed to him during his service in the foresaid office: And with power to him to appoint substitutes and deutes, for whom he shall be answerable for serving in the foresaid place, Granting to him and them, all priviledges, fees, liberties, and immunities belonging to the foresaid office: Which Clerke and his foresaids shall have the charge, trust, keeping and ordering of all the papers, warrants, records, and others which concerne the premisses: And the Acts, extracts, records, and warrants to be subscribed by the said Clerk and his substitutes, shall beare als full faith as the acts or extracts of any other Clerk within this Kingdome. And in like manner, with power to the saids Commissioners or their *Quorum*, to appoint, allow, and modifie competent fees, allowances, and recompences, to the generall Officers and all others persons who have been employed in the publick service, and whose fees and recompences are not already allowed and appointed: And also with power to them to allow and appoint such fees and recompences to all others who shall necessarily be employed and intrusted by them, as they shall find reasonable. And in case any of the above named Commissioners shall happen to depart this life during the indurance thereof, It shall be leasome to the rest of the saids Commissioners of that Estate, or most part thereof, to elect, nominate, and appoint others in the place of these who shall happen to depart, ilk Estate choosing Commissioners in place of these who shall happen to decease of their own estate. Like as our said Sovereign Lord and Estates of Parliament doe hereby require and command all and every person within this Kingdome, and all others whom the same may concerne, as they will answer at their highest perill, that they give exact and ready obedience to such orders, warrants, letters and directions, as shall be given forth, ordered, and directed by the saids Commissioners, or their *quorum* foresaid, anent the whole premisses: Requiring also all Sheriffes of Shires, Magistrats of Burroughs, Stewards of Stewartries, Bailiffes of Regalities, Provosts and Bailiffes of Burghs, and all others persons whatsoever, upon their highest perill, as they shall be required, to assist and concur to the executing and obeying of such orders, warrants, and other dispatches, as shall be directed and given forth by the saids Commissioners to the effect above specified: With power likewise to the saids Commissioners, and their *Quorum*, to call for the assistance, advice, and information of any persons within this Kingdome, of whatsoever quality, for clearing of whatsoever questions, doubts, or scruples which may arise & occurre in any particular concerning the premisses, as occasion shall offer, who are hereby required to assist the saids Commissioners by their presence, counsell, information, and advice, as they shall be desired for that effect. And it is ordained, that horning, pounding, and caption, and all other manner of execution personall and reall, shall be directed upon all warrants, acts, and orders of the saids Commissioners, and their *Quorum*, for the better obeying and executing of the same: and for the more ready and timous payment of the said publicke dues: Which Commissioners above named are and shall be liable and countable to his Majestie and

and the Parliament, for their exact diligence, and constant attendance, And for their carriage in the right discharging of this present Commission intrusted to them, and every part and particular thereof, Like as they shall be obliged to report and represent to the next Parliament a full accompt of their proceedings and deportments anent the premisses, Together with the true estate and condition of the burdens and affaires of the publick, to the effect that his Majestie and the Parliament, after consideration of the premisses, and of their proceedings and carriage thereintill, may take such farther course thereanent, as shall be found expedient: And it is also hereby declared, That the nomination made by his Majestie and the Parliament of a Clerke to this Commission, is, and shall bee but prejudice of the Clerke of the Registers right to depute Clerks to all other Commissions from the Parliament, seeing the present Clerke Register consented to the Parliaments choosing of a Clerke to this Commission, in respect the present Clerke Register being generall Commissar to the late Armie, is a principall partie to compt to this Commission for his charge and discharge, and so could not depute a Clerke to this judicatorie, where he is to make his own compts.

ACT XXV.

ACT OF APPROBATION TO THE Committee of Estates. 15. November, 1641.



Ur Sovereign Lord; with advice and consent of the Estates of Parliament, considering that forsake as the Estates of Parliament in June 1640. for the reasons and considerations at that time moving them, did nominate, elect, choose and appoint umwhile *John Earle of Rothes*, *John Earle of Cassils*, *Charles Earle of Dumfermling*, *John Earle of Wigton*, *William Earle of Lothian*, *John Lord Lindesay*, *John Lord Balmerino*, *Robert Lord Burghlie*, *James Lord Couper*, *John Lord Loure*, *Sir Alexander Gibson of Durie*, *Sir John Hope of Craighall*, *Sir John Scot of Scotistartbet*, Senators of the Colledge of Justice, *Sir Patrik Hepburne of Wauchtoun*, *Sir David Home of Wedderburne*, *Sir Patrik Murray of Elibank*, *Sir Patrik Hamiltoun of Little-prestoun*, *Sir William Cunyngham of Capringtoun*, *Sir William Douglas of Cavers*, *Sir Thomas Nicholson of Carnok*, *James Chalmers of Gadgerth*, Sir

Sir Thomas Hope of Kerse, *Drummond of Riccartoun*, *John Forbes of Leslie*, *Mr. George Dundasse of Maner*, *John Smyth*, *Edward Edgar*, *Thomas Paterson*, *Richard Maxwell*, Burgesse of Edinburgh, *Mr. Alexander Wedderburne* Clerk of Dundie, *Mr. Alexander Jaffray*, Burgesse of Aberdene, or *Mr. William More*, in his absence, *William Hamiltoun*, Bailiffe of Linlithgow, *James Sword*, Burgesse of Saint Andrewes, *George Porterfield*, Bailiffe of Glasgow, *Hugh Kennedie*, Bailiffe of Air, *James Scot*, Burgesse of Montrose, and *John Rutherford*, Provest of Jedburgh, and certaine other persons to be Commissioners from the saids Estates, to whom they gave and granted full power, warrand, and commission, to doe, order, direct, act, and put in execution every thing necessarie, expedient and incumbent, as well for the preservation and maintenance of the Armies, both Horse and Foot, by Sea and Land, as for the ordering of the Countrey, and whole Bodie and Inhabitants thereof, deciding of questions and debates, which should happen to arise, or fall out in any businesse, which should occasion or offer within the Kingdome, concerning the peace and quiet thereof: But prejudice of the ordinarie judicatories, established within this Kingdome, by Acts of Parliament, And with power to them to borrow, up-take, and levie moneys for the use of the publick, and to give, and prescribe order and directions for disbursing thereof: And generalitie, did give them full power, To doe all and sundrie other things, requisite anent the ordering, directing, managing, profecuting, and executing of all affaires and businesse of this Kingdome, which might or should conduce to the weal of the samine, or any part thereof, and which might, or could be needfull to be done by them for maintenance, and preservation of the religion, and liberties of this Kingdome, anent the premisses, as the said commission, of the date the 11. day of June, 1640. in the same at more length beares: And siclike, the saids Estates did nominate and constitute *Mr. Adam Hepburne* of Humbie, to be Clerk to the said Commission, and gave him power to substitute deputes, one or more: And his Majesty, and the saids Estates, now presently convened, having taken to consideration the paines taken by the saids Noble-men, Barons, Burgesse, and other particularly above rehearsed, als well these who remained at Edinburgh, as these who went along with the Armie, and resided at the Camp, or sent as Commissioners to Rippon and London, and of the said *Mr. Adam Hepburne*, and *Robert Hepburne* his Colledge, who served as Clerks in the said Commission: They find that they have walked uprightly, faithfully, diligently and carefully, in the discharge of the said Commission, answerable to the trust imposed upon them, And therefore his Majesty, with advice and consent of the saids Estates, hath approven, and by thir presents approves their proceedings and carriage therein, And declares them, and every one of them, to have done good service to his Majesty, and this Kingdome, and that they have behaved themselves as good Christians, loyall Subjects, and well deserving Patriots.

ACT XXVI.

ACT FOR RELIEFE OF THOSE WHO
Have given band for the use of the publike.
15. November, 1641.

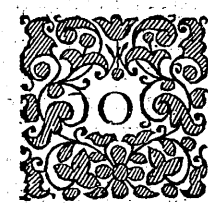


Our Sovereign Lord and Estates of Parliament, Considering that the members of the late Committees from the saids Estates of Parliament, to whom the furnishing of the Armes, and all other necessary expences concerning the publike was intrusted, conforme to the power and commission given to them, as likewise others, who were not of the Committee, and also the generall Commissar or his deputes, Having borrowed and undertaken great summes of money for the necessair use and behoof of the publike, for the which summes and debts, contracted by the saids Committees, They have given security to the parties, partly by publike acts, in name of the Estates, And where many persons were difficile and scrupulous, to advance and lend moneys, and other necessaires upon the publike security, These of the saids Committees, and others foresaid, have given their owne particular bands, and have moved divers others persons to give band and security to the lenders of the saids summes, bearing borrowed money without any relation to the publike: Likeas divers Noblemen, Barons and Burrowes, and others, before the establishing of the saids Committees of Estates, did willingly, for advancement of the publike service, give their particular bands for great summes of money for the publike use, and which were given in to the Commissars and Collectors, and counted for by them in their accounts, whereby the forenamed persons who have granted such bands, may be distressed for payment of the saids summes, at the instance of the persons to whom they are bound, So as for their furtherance and affection to the advancement of the publike service, their Estates and Credit may both be endangered, unlesse remed be provided: And his Majesty & Estates foresaid, being careful that neither the members of the saids Committees, nor any others persons may suffer prejudice in their estates or credit, by or through any bands granted by them to any persons for lent money, silver plate, or any other necessary commodity, furnished and advanced for the publike use, But that they and every one of them, their heires and executors, be freed and relieved by the saids Estates of the samine, and of all damage, perill and danger which they may incurre and sustaine there through, It being made appear, that the summes of money, or other commodities, for the which they have given band, as said is, are counted for, or applyed for the use of the publike, and approven by publike act, order and warrand: Therefore Our said Sovereign Lord and Estates of Parliament, by vertue of this present Act, do hereby bind and oblige the Estates of this Kingdom, to warrand and relieve the saids members of the said Committees of Estate, and all others persons whatsoever, who have given band

band and security for any summes of money, or other commodities for the use of the publike, and whereof count and reckoning is, or shall be made and approven, whereby it may appear, that the samine are imployed for the use of the publike, by publike warrand, as said is: And for their better relief of the same, The saids Estates of Parliament, binds and obliges them and the whole body of this Kingdom, to make payment to the persons creditors, to whom the said bands and securities are given of the same summes, and others commodities or prices thereof, and that at the termes of payment, appointed by the saids bands, with the interest thereof, conforme thereto in all points, And to purchase and deliver to ilk person so bound, as said is, their saids bands given by them, or sufficient discharges of the samine, with all convenient diligence, and in the mean time to keep them harmlesse and skaithlesse of the samine bands, and of all execution, perill and danger which may follow thereupon: So being that the summes and goods contained in the saids bands have been applyed to the publike use, by publike order and warrand, as said is, and are, or shall be counted for, & approven in the accounts of the common burdens of this Kingdom: Which bands so contracted and undertaken, are hereby declared to be publike debts upon the Estates, and shall affect and burden them, notwithstanding that the samine be given by particular persons, without relation to the publike, in manner foresaid.

ACT XXVII.

COMMISSION FOR RECEIVING OF THE
Brotherly assistance from the Parliament of England,
15. November, 1641.



Our Sovereign Lord, and the Estates of this present Parliament, Considering that of the brotherly assistance promised, and obliged to be payed by the Parliament and Kingdome of England, to this Kingdome of Scotland, for relief and defrayment of the common burdens and losses of the samine, There is yet resting the summe of two hundreth and twentie thousand pounds sterling money, conforme to the articles of the late treatie, and an act of publick faith, granted by the Parliament of England, for payment thereof, at the termes therein contained: Therefore our saids Sovereign Lord and Estates of Parliament, Doe hereby grant full power, warrand, and commission, and appoints, nominats, and authorizes the persons particularly after nominated, viz. John Earle of Lowdown, Chancellour of Scotland, Archbald Marques of Argyle, Alexander Earle of Eglintoun, John Earle of Cassils, William Earle of Glencairne, John Earle of Lauderdaill, William Earle of Lothian, John Earle of Lindesay, David Earle of Southesk, James Earle of Findlater, John Lord Sinclair, John Lord Balmerino, Robert Lord Burghlie, George

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George Lord Forrester, Sir Charles Erskene of Bandeth, Sir David Home of Wedderburne, Sir Robert Innes of that ilk, Sir George Dundas of that ilk, Sir William Cuninghame of Capringtoun, Sir John Wauchope of Nidrie, Sir Alexander Erskene of Dun, Sir Gilbert Ramsay of Balymayne, Sir Duncane Campbell of Auchinbrek, Sir William Forbes of Craigievare, Sir Robert Griersone of Lag, Mr. George Douglas of Bonjedburgh, William Rig of Ethernie, Alexander Gordoun of Earlstoun, John Binnie Burgesse of Edinburgh, Thomas Durham Burgesse of Pearth, Patrik Leslie Burgesse of Aberdene, George Bell Burgesse of Linlithgow, Patrik Bell Burgesse of Glasgow, James Sword Burgesse of Saint Andrewes, John Kennedy Burgesse of Air, John Semple Burgesse of Dumbartane, William Glendonig Burgesse of Kirkcudbright, James Scot Burgesse of Montrose, Mr. Robert Barclay Burgesse of Irving, James Anderson Burgesse of Couper, George Gardine Burgesse of Bruntiland, and Mr. Alexander Dowglas Burgesse of Bamff, Together with Alexander Earle of Levin, and Sir Adam Hepburne of Humberie, one of the Senators of the Colledge of Justice, whom his Majesty and Estates of Parliament addes to the foresaid number as ordinair members with the rest, to be Commissioners from his Majesty and the Parliament, to the effect after specified, Granting and committing, like as his Majesty and Estates foresaids, doe by vertue of thir presents grant full power, warrand and commission to the forenamed persons, or to any twelve of them, who shall be a quorum, there being alwayes three of them of ilk estate, either by themselves, or by such others persons, as shall be intrusted and authorized by them, or their Quorum foresaid, for that effect, to crave, receive, uplift, and in-tromet with the foresaid summe of two hundreth and twentie thousand pounds sterling money foresaid, yet resting unpayed of the said brotherly assistance, promised and obliged to be payed by the said Parliament of England, in manner foresaid: And with power to the saids Commissioners, or such as shall be appointed by them, as said is, to give and grant discharges upon the receipt of the said summe in whole, or in part, which shall be als vallid and sufficient, as if the famine were granted by his Majesty, and whole body of this present Parliament, And with power to them, to setle, accord and agree upon the best wayes and courses how the said brotherly assistance may be most timouly & conveniently payed at the termes of payment appointed for that effect, or otherwise, how the famine may be advanced, either by exchange or otherwise, for defrayment and reliefe of the saids common burdens, as may be most conducible for the reliefe and good of the publick. And whatever acquittances or discharges the forenamed persons, or such other persons as shall be authorized by them, shall grant & subscribe upon the receipt of the said summe, or any part thereof, or whatever other course they shall accord and agree upon concerning the famine, his Majesty and the Estates of Parliament doe by these presents approve and authorize the same, and if need bee, shall ratifie the same in the next ensuing Parliament: And generally, our said Sovereign Lord and Estates foresaids, grants and commits full power and commission to the forenamed persons and their Quorum foresaid, and to these who shall

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shall be authorized by them, as said is, to doe, exerce, accord, and agree upon all, and every thing necessary, anent the payment and recoverie of the foresaids summes, and every thing else, which may concerne the famine, in all respects needfull and expedient, Whereanent our said Sovereign Lord and Estates of Parliament, declares that thir presents shall be a good and sufficient warrand for them, and all others whom the famine may concerne, the forenamed Commissioners, and these to be authorized and appointed by them for the effect above specified, being alwayes comptable and answerable for their carriage and proceedings in the premisses.

ACT XXVIII.

ACT AGAINST GOING OF Salt-pans and Mills on the Lords day, and other prophanations of that day. 15. November, 1641.



OUR Sovereign Lord and Estates of Parliament, Considering notwithstanding the Acts of the Generall Assembly, ratified in this present Parliament, June 1640. against the prophaning of the Lords day, by going of Salt-pans, Salmond fishings, Kils, Mills, and hyring of shearers on the said day, yet the saids abuses are not left off, but rather increased: Therefore Our Sovereign Lord and Estates foresaids, for the better restraint of the saids abuses and prophanations, do againe inhibit and discharge all going of Salt-pans, or Mills, and all working of works thereintill upon the Lords day, and all hyring and conditioning of shearers on the said day, and that under the paines and penalties following, to be payed to the particular Sessions of every paroch wherein the abuses before specified are committed, to be employed to pious uses, viz. The summe of twenty pounds for ilk day foresaid, working in manner foresaid, of ilk Salt pan, of ilk dayes fishing of Salmond, and of ilk Mill; to be payed by the heritors and possessors thereof, for the time, and the masters to be answerable for their servants, And the summe of ten pounds for ilk shearer and fisher of Salmond on the Lords day, the one halfe to be payed by the hyrers and conducters, the other halfe by the persons hired, toties quoties: And ordaines the magistrates of the town, to keep the transgressours in ward while they pay the said penalties, for the which the Magistrates shall be answerable to their sessions. And further, Our said Sovereign Lord and Estates, do hereby inhibit and discharge all Markets, using of Merchandize, carrying of loads upon the Lords day, and all other prophanations or abuses thereof of whatsoever: And that under the same pain of ten pounds, to be payed by

by every transgressour to their Sessions *respective*, for the uses foresaid *toties quoties*: And ordaines the saids penalties *respective* above specified, to be exacted, by and attour the confiscation of the salt, corne, marchandize, loads, and other goods whatsoever, imployed, used, gayned, or made and wrought, in the prophaning and abusing of the said Lords day, which paine is also hereby ordained, And if the transgressours be not able to pay the penalties foresaid, ordaines them to be punished exemplarily in their bodies, according to the merit of their fault, *toties quoties*.

ACT XXIX.

ACT ANENT THE NOMINATION AND Election of Sir *James Galloway* to be Master of Requests. 15. November. 1641.



He which day the Kings Majesty, with advice and approbation of the Estates of Parliament, nominated and elected, Sir *James Galloway*, to be Master of Requests, of this His Highnes Ancient and Native Kingdome of *Scotland*, and that *ad vitam vel culpam*, conforme to the Act of this present Parliament made anent the Election of Officers of Estate, Councillours and Sessioners, upon the sixteenth day of September, last by past: Like as His Majestie, with advice and approbation foresaid,

Gives and dispones to the said Sir *James Galloway*, *ad vitam vel culpam*, as said is, the foresaid office, To be Master of Requests of this His Majesties Kingdome: With all Honours, Dignities, Priviledges, Profits, Casualties and Liberties pertaining to the same office, which have been posselt and bruiked by any preceding Master of Requests, and which may be now bruiked by the Lawes of this Kingdome: And ordains a gift to be past and exped, under his Highnes great seale, to the said Sir *James Galloway*, of the foresaid office: With all Honours, Dignities, Profits, Casualties, Liberties and Priviledges pertaining and belonging thereto, as said is.

ACT.

ACT XXX.

ACT ANENT THE COMMISSION FOR Plantation of Kirks, and Valuation of teinds. 15. November, 1641.

OUR Sovereign Lord and Estates of Parliament, Considering the humble Supplication of the general Assembly, presented by the Commissioners thereof, for planting of Kirks, uniting or dis-uniting of Paroches, and for other pious and good workes mentioned therein: till: For the which, and other causes after specified, It is necessair, That power & commission be given from His Majesty and Estates to the effect under-written, And therefore His Majesty and Estates foresaid, have granted, and by these presents grant full power & commission to the persons after following, *viz*, *John Lord Lowdown* Chancellour, *Archbald Earle of Argyle*, *Alexander Earle of Eglington*, *John Earle of Cassils*, *William Earle of Glencairn*, *John Earle of Lauderdale*, *William Earle of Lothian*, *David Earle of Southesk*, *James Earle of Findlater*, *John Lord Lindesay*, *John Lord Sinclair*, *John Lord Balmerino*, *Robert Lord Burghly*, *George Lord Forrester*, *Sir George Dundas* of that ilk, *Sir John Wauchope* of *Nidrie*, *Sir David Home* of *Wedderburn*, *Sir William Forbes* of *Craigievar*, *Sir Gilbert Ramsay* of *Balymayn*, *Sir William Cunyng-ham* of *Caprintoun*, *William Rig* of *Ethernie*, *Sir Duncan Campbel* of *Auchinbrek*, *Sir Alexander Erskene* of *Dun*, *Sir Charles Erskene* of *Bandeth*, *Sir Robert Innes* of that ilk, *Alexander Gordoun* of *Earlstoun*, *Sir Robert Grier* sone of *Lag*, *Master George Douglas* of *Bonjedburgh*, *John Binnie* for *Edinburgh*, *Thomas Durham* for *Pearth*, *Patrik Leslie* for *Aberdene*, *George Bell* for *Linlithgow*, *James Sword* for *Saint Andrews*, *Patrik Bell* for *Glasgow*, *John Kennedy* for *Air*, *John Semple* for *Dumbartan*, *William Glandoning* for *Kirkcudbright*, *James Scot* for *Montrose*, *Master Robert Barclay* for *Irving*, *James Anderson* for *Couper*, *George Gardine* for *Bruntland*, *Master Alexander Douglas* for *Barnff*, *Robert Earle* of *Roxburgh* Lord Privie-Seal, *Sir Alexander Gibson* younger of *Durie* clerk Register, *Sir Thomas Hope* of *Craigball* Advocate, *Sir James Carmichael*, *Treasurer Depute*, *Sir John Hamiltoun* Justice clerk, & *Sir Andrew Fletcher* of *Innerpeffer*, *Sir Thomas Hope* of *Kers*, and *Sir Adam Hepburn* of *Humbie*, three of the Senatours of the Colledge of Justice, To meet and conveene at Halyrude-house, or Edinburgh, or such other places as shall be appointed by them, at such times and dyets as they shall appoint, And to value, and cause value whatsoever teinds, great or small, Personage or Viccarage of whatsoever Lands, and others within this Kingdome, liable to the payment of teinds, of whatsoever nature and quality the same be of, which are yet unvalued: Providing the Ministers serving the cure, who doe lead tithes, be secured of good and thankfull payment of so much visuall, or monee, answerable to the worth of the saids tithes, as the tithes shall be valued to: And als to receive the reports from the Sub-commissioners appointed within ilk Presbyterie of the valuations of whatsoever teinds of lands and others, lyable to teind, as said is, led and deduced

deduced before them, according to the tenor of the Sub-commissions direct to that effect, And to allow or disallow the same, according as the same shall be found agreeable, or disagreeable from the tenor of their Sub-commissions, And for the better expeding, and advancing of the saids valuations, with power to appoynt Committees or Sub-committees of their owne number, to receive the reports of the saids valuations made, or to be made, and to receive, admit and examine witnesses, And to take parties oath with their depositions, where the same is referred to oath, and to give such farther power to the saids Committees or Sub-committees of their owne number, as they shall think fit for the good of the work and speedy finishing of the same: And siclike, with power to them, if need bee, to appoynt Sub-commissioners who are not of their owne number within any Parochine, or Presbyterie of the Countrey, for leading and deducing of the saids valuations, and to receive the reports thereof, allow, or disallow of the same: And generally, with power to them, to set downe whatsoever other order or course, which shall be thought fit and expedient for dispatch of the saids valuations rectifying thereof, and for finall closing of the same: And siclike with power to the saids Commissioners, or any fiftene of them, there being foure thereof for every Estate, after closing and allowance of the valuations of ilke Kirke and Parish, or at least the exact diligence of the Ministers done to that effect, to appoynt, modifie and set downe a constant, and local stipend, and maintenance to ilke Minister (his present stipend being allowed in the first end thereof) to be payed out of the teinds thereof: And to grant augmentations to ilke Ministers of other Kirks nor Bishops Kirkes, who got not the benefit of the former Commission, and have not the full quantity of eight chalders victuall, or eight hundred markes according to the tenor of the Acts of Parliament made, *in anno* 1633. wherein that is found to be the lowest proportion for the maintenance of the Ministers, except such particular Kirkes occurre, wherein there shall be just, reasonable, and expedient causes to goe beneath the said quantity, which is hereby also referred to the conscionable consideration of the Commissioners before exprest, And to grant augmentations to Ministers of Kirkes, which were provided by the former Commission, but to a lesse quantity nor eight chalders victuall or eight hundred markes in the cases after following allanerly, *viz.* where the teinds in whole or in part are fewed with the lands *cum decimis inclusis*, whereby the Ministers were debarred of the full quantity foresaid, or where the valuations already led, the time of the provision of these Kirkes shall happen to be reduced as unjustly valued, or where it can be proved by writ or oath of party, that the lesse quantity foresaid proceeded from pactions betwixt the Titular and the Ministers, or Titular and Parochiners in prejudice of the Ministers Successors, or where the honest Incumbents for the time were impeded by the Prelates for their never practising conformity, to obtaine the full quantity in the former Commission, albeit there was sufficiency of teinds within the Paroch: In the which cases, or any of them, it is hereby declared, that the Ministers provided by the former Commission, shall be supplied

to

to the full quantity foresaid: Like as hereby it is declared, that all Bishops Kirkes, whether or not provided at all, or provided by the former Commission, but beneath the quantity foresaid, shall be supplied to the full quantity of eight chalders victuall, or eight hundred marks, out of the tithes of their owne Parish, and where the same cannot be had, then out of the teinds of the other Kirkes of that Bishoprick: And that all Kirks that had greater quantity of stipend before the restitution of Bishops nor they now have (except they have beene diminished by just valuations) shall be supplied, and brought to the same quantity whereof they were in possession before the said restitution, to be payed out of their owne Paroch, and where it is in-lacking, to be payed out of the tithes of the Bishops Kirkes: For the which effect, the Kings Majesty and Estates of Parliament grants power to the Commissioners foresaid or any *Quorum* of them, and als gives power to the saids Commissioners, to dis-joyne too large and spacious Kirks, and plant them severally, and to cause build, and erect new Kirks, and appoynt competent provisions for the Ministers to change Kirks incommodiously situate, to a more commodious part of the Paroche, to dis-joyne and dis-member such parts and portions of Parochins lying *contigue*, and whereof ane part is farre distant from the proper Paroche Kirke, and more neere and ewest to the next adjacent and contiguous Paroche Kirke, from their owne proper paroch Kirke, from the which the parts and portions are farther distant, and to unite and adjoine them to the other paroch Kirk, to the which they are more ewest: And als to unite Kirks and parochines lying so neere other, and being so little bounds, and small number of Parochiners, that the union of them shall be found more usefull and conducible for the good and ease of the Parochiners of both the Kirks, and their edification: Providing that the dividing of large parochs, the dis-membring of ane part of the saids parochines in case foresaid, and the uniting of Kirks and parochines of the qualitie above specified, be done upon the speciall recommendation of the Presbyterie, Synod, or Generall Assembly, given in writ, and after the Commissioners have cited and heard the Parochiners of both Kirks thereanent, and no otherwise: And to set downe a solid order, and take course for furnishing the elements to the Communion twice in the year, or oftner, where they are not provided at all, or not sufficiently provided: And als to take order for paying of the charges of the Commissioners to the generall Assemblies, without burdening the Ministers stipends therewith. And siclike, with power to them to advise, take course, and determine in all things referred to them by any particular act or reference from the generall Assembly to this Parliament, or from the Parliament to them: And because the Kings Majesty, considering that the names and titles of Bishops and Bishopricks by the Acts and Statutes of Kirk and Kingdome, are abolished and suppressed, and that thereby the tithes, parsonage and vicarage, and teind duties of whatsoever Kirks or Titles, pertaining to the saids Bishopricks, are become in his Majesties hands, and at his Majesties disposing, And his Majesty being graciously pleased, out of his pious and royall affection to the maintenance of the true Religion, and

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puritie thereof, presently established within this his Majesties ancient Kingdome, to take such a course with the saids teinds and teind duties, pertaining to the saids Bishopricks, and of all teinds and Kirks annexed thereto, that the same may be applied to the use and benefit of the Ministers serving the cure of the saids Kirks, and to the maintenance and supply of Universities, Colledges, and Schools: Like as his Majesty before his comming to this his ancient Kingdome, in his owne royall person, sent and directed his letters to the Generall Assembly of the Kirk, convened at Edinburgh in July last, whereby his Majesty declared his constant purpose and resolution to imploy the teinds of the saids Bishopricks to the uses above specified: And therefore his Majesty, according to his royall promise, and for performance thereof, hath declared, and by thir presents declares, by advice and consent of the Estate, that the teinds and teind duties of all and whatsoever Kirkes, parsonage, and viccarage thereof, and teinds of whatsoever nature pertaining to the saids Bishopricks, shall be applied to the maintenance of the Ministrie, and of the Universities and Colledges, and other pious uses, and to no other use, and that according as the same shall be particularly distributed by the Commissioners foresaid, to whom his Majesty and Estates grants power for this effect, And declares all gifts granted, or to be granted by his Majesty, to whatsoever person or persons of the foresaid teinds and teind duties, or any part thereof, except to the uses foresaid, to be null in the self: Excepting alwaies all gifts already granted by his Majesty to whatsoever person or persons of their own teinds, and to the maintenance of Universities and Colledges, they and every one of them alwayes being liable to the plantation of the Kirks to the full quantity contained in the Acts made thereanent. Like as it is declared hereby, that all teinds and teind duties which belonged to Chapters, Deanes, Sub-deanes, and other dignities of the Chapters, shall bee liable to the like provisions of the Kirks which were annexed thereto, according to the proportion of eight Chalders victuall, or eight hundred marks, forth of the teinds of their owne parochins allanerly, according to the Act of Parliament. And siclike, with power to the saids Commissioners, as said is, to take order that every heritor and life-renter of land, having right thereto by infestment of life-rent, right of terre, or by band for infestment of life-rent, shall have the leading of their owne teinds, personage, and viccarage thereof, they paying the price contained in the act above-specified, In case they be willing to buy the same from the titular, having power to sell, or otherwise, Paying the rate of teind exprest in the acts made thereanent. And to that effect with power to the saids Commissioners, to set downe the price of sellable teinds, according to the worth thereof in each part of the country, where the same grow and are bred. And als with power to them, to set downe such good and ample securities as may stand by law, both for the buyers of the teinds, to the effect the titulars may be fully denuded in their favours, And also for security to the titulars and sellers of the price due to be payed to them for the saids teinds; And also to set downe the security in favours of the titulars and of the ministers, so far as concernes the maintenance assigned to them

them for good, thankfull, and timous payment of the rate of teinds where the same are not or cannot be sold: And siclike, with power to the saids Commissioners, To discusse and determine all questions which may arise betwixt the titulars, and heritors, anent the price of teinds, according to the nature and quality of the rights to be sold, whether the same be heretable or temporall, and to proportionate the price accordingly: And also to divide the price of teind betwixt the heritors and life-renters thereof, & betwixt titulars and taksimen, and others who have severall and distinct rights to the saids teinds, sellable according to the quality of the rights, And also with power to them to cause the titulars who sell their saids teinds, to exhibit their rights and titles, to the effect they may be lawfully denuded thereof, in favour of the saids heritors and life-renters *respective*, without prejudice alwayes to his Majesties annuities to be payed forth of the saids teinds, by the saids titulars of teinds or heritors or life-renters of lands, according to the tenour of the act of annuity: And generally, with power to the saids Commissioners to decide and determine in all other points which may concerne the leading and drawing of teinds, the selling and buying of the same, or payment of the rates thereof, contained in the acts of Parliament made thereanent: And whereas it may fall out that some of the Commissioners now appointed by his Majesty and Estates, may be unable to attend the service through death, sicknesse, or some other riotar and knowne impediments, Therefore his Majesty and Estates declares such other persons shall fill their places as his Majesty shall think fit, by advice of the remanent Commissioners who must receive and admit them upon the said Commission, and take their oaths for faithfull discharge of the same: And his Majesty and Estates ordaines this present Commission to indure unto the day and while the same be expressly discharged by his Majesties warrant, with consent of the Estates for that effect: And his Majesty with consent of the Estates foresaid, findes, declares, and ordaines the acts, decreets and ordinances of the Commissioners foresaid, and of the other persons who shall be surrogate in their places by his Majesty in manner foresaid, in the whole particulars above specified, and every one of them, to have the force, strength and effect of a decree, sentence, and Act of Parliament: And ordaines the Lords of Session, to grant and direct letters of horning, pouncing, and others thereupon, upon a simple charge of ten dayes, or otherwayes as shall be found necessarie: Attour for clearing of all doubts and difficulties, which may arise anent the rectifying of valuations, or other particular heads following, His Majesty and Estates have declared, and declares, that where valuations are lawfully led against all parties, having interest, and allowed by the former Commissioners, according to the order reserved by them, that the same shall not be drawn in question, nor rectified upon pretence of *enormousness*, at the instance of the Minister, not being titular, or at the instance of his Majesties Advocate, for and in respect of his Majesties annuity, except it be proved, that collusion was used betwixt the titular and heritor, or betwixt the Procurator Fiscall, and heritors, and titular,

titular, which collusion is declared to be where the valuations are led, with diminution of the third of the just rent, presently payed: And which diminution shall be proved by the parties oaths: It is alwayes declared, that the provisions of the former Commission, so far as they are conceived in favours of the Colledges, Hospitals, and Ministers, are herein renewed: As also that Ministers serving the cure, who leade their teinds: And that Colledges, Schooles, and Hospitals, be not constrained to sell, set, nor dispoise their teinds in prejudice of their successours, notwithstanding of the valuations thereof: Like as the Kings Majestie and Estates, grants power to the saids Commissioners, to do every thing necessary, for setting and establishing the right of any teinds of the prelacies, appointed by them, in favours of the saids Kirks, Schooles, Universities, and Colledges, according to their severall divisions, as also to set down rules, and wayes, how the same shall not thereafter be delapidate, or made worse by the titulars for the time, And his Majesty and Estates declares, That all his Majesties subjects, who are willing to buy their teinds, shall be oblisht to pay the price thereof contained in the Act made thereanent, within the space of two yeares after the famine beis valued and approven before the saids Commissioners: And that after the expiring of the said time, the titular shall not be compelled to sell the same, except they doe it of their owne good will, With this declaration alwayes, that in case the impediment induring the space foresaid, flow from the titular, by reason of his minority, or other inability, in that case the Heretor, who offereth himselfe ready to buy his owne teind within the space foresaid, shall have place so soone as the impediment is removed, to buy his teinds notwithstanding of the expiring of the yeares, and space above exprest: And it is declared, that if the heretors be minor, and his tutors neglect the buying of his teinds within the space foresaid, The minor shall have action for two yeares after his minority to compell the titular for selling of the saids teinds, Like as his Majesty and Estates of Parliament grants power to the saids Commissioners to give recompence to parties for the augmentation of stipends to be imposed by this present Commission in the same way as was done by some former Commissions, as 1617. yeares: Like as it is hereby declared, that where by mistaking and wrong compting, there was a greater quantitie assigned to the minister out of any mans teinds nor is due by proportion according to the valuation, that the Commissioners may rectifie the same without diminishing the ministers stipend, or wronging his possession, untill it be given out of other teinds in the paroch: Like as it is declared, that where the assignations are made wrong in the quality that the same might be reduced to the just number of bols of meale, beire, and wheat, answerable to the valuation, With power also to the saids Commissioners to assigne the few dueties of the parts of land, called Parsons and Viccars gleibes, to the ministers and others serving the cure.

ACT

ACT XXXI.
COMMISSION ANENT THE ARTICLES
Referred to Consideration by the Treaty.
16. November, 1641.




Our Sovereigne Lord, with consent of the Estates of Parliament, Considering that there are sundry heads of the Articles of the Treaty of peace betwixt his Majesty and his Subjects, and betwixt his Majesties Kingdoms of Scotland and England, which are referred to be taken in consideration by the Commissionars, to be appoynted by his Majesty with consent of both Parliaments, who shall have power to advise and treat thereupon, and to report their proceedings therein to his Majesty and to the Parliament of both Kingdomes *respective*, and specially the articles after specified: And his Majesty with consent foresaid being willing, that a Commission bee exped on their part for advising and treating upon the saids Articles, with the Commissioners chosen, or to be chosen by his Majesty with consent of the Parliament of England, within which is included the Kingdome of Ireland: Therefore his Majesty, with advise and consent of the Estates, gives and grants full power and Commission to the persons after specified, *William* Earle of Lothiane, *John* Earle of Lindesay, Lord Parbrothe and Struther, *John* Lord Balmerino, *Sir Thomas Myretoun* of Cambo, *Sir Thomas Hope* of Kerse, *Sir Archbald Johnstoun* of Wariestoun, *Sir John Smyth* of Grotell Burgesse of Edinburgh, *Patrik Bell* Merchant Burgesse of Glasgow, and *Mr. Robert Barclay* Burgesse of Irving, as also to *John* Earle of Lowdown Chancellour of Scotland, and *Archbald* Marquesse of Argyle, Earle of Kintyre, Lord Lorne, or any of them two, who beis at Court, To be of the Commission with the remanent Commissioners above named: With power to the saids whole Commissioners above named, or any five of them, there being one thereof at least of every Estate, to convene with the Commissioners chosen or to be chosen by his Majesty with consent of the Parliament of England (within which is included the Parliament of Ireland, as said is) at whatsoever places and times convenient to be accorded amongst them, and there to consult, advise, treat, and agree upon the special Heads and Articles following: *viz.* Anent the Demand concerning the making war with Forreigners, and anent Leagues and Confederations to be made with forraign Princes and Estates, and concerning mutuall Supply in case of forraign Invasion, and also concerning mutual Trade and Commerce betwixt the Kingdome of Scotland, England, and Ireland, and anent the presing of Ships, and men, by sea or land, and als anent Naturalization and mutuall Capacity of the Subjects of both Kingdomes, who either of them, *respective*, of all Dignities, Liberties, Priviledges, and other Benefits Ecclesiasticall or civil, and others of that nature, and concerning the lawfullnesse and solemnity of the extracts of Bands or Decrees in either of the saids Kingdomes:

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 domes: And als concerning the manner of safe conduct for transporting from England to Scotland by sea or land, in such a way as may be most secure and least chargeable to the estate of Scotland, of the moneys given and promitted by way of brotherly supply, and assistance to the Estate and Kingdome of Scotland by the Parliament of England: And concerning what assistance Scotland shall give to England for suppressing of the Rebellion in Ireland, or to the Prince Elector, conforme to the instructions given, or to bee given to them for that effect, by the Lords of secret Councell, to whom his Majesty and Estates of Parliament remits the same: And what the saids Commissioners their treaties with the saids Commissioners of England and Ireland, resolves and concludes upon, that they may make timous and due report thereof to his Majesty and the Estates of this Kingdome.

ACT XXXII.

COMMISSION FOR CONSERVING OF
 The Articles of Treaty. 16. November, 1641.

 UR Sovereign Lord, Considering, That by the late Articles of Treaty, concluded betwixt the Cominiffioners of His Majesties Kingdome of Scotland and England, Ratified by Parliaments of both Kingdoms: It is thought fit and necessary for observing the saids Articles of Treaty, made for establishing a firme and constant peace, That Power and Commission be granted by his Majesty, by advice of the Estates of Parliament of both Kingdoms, to the effect contained in the said Articles of Treaty, for performance wherof upon the part of His Majesties said Kingdom of Scotland, His Majestie with consent of the Estates of the said Kingdome by thir presents, Gives and grants power and Commission to the persons after-specified, viz. John Lord Lowdoun Chancellour, James Duke of Lennox, James Marquesse of Hammiltoun, Archbald Earle of Argyle, William Earle of Mortoun, Alexander Earle of Eglintoun, William Earle of Glencairne, Charles Earle of Dumfermling, Robert Earl of Roxburgh, William Earle of Lothian, John Earle of Lauderdaill, George Earle of Kynnowll, William Earle of Lanerk, Alexander Earle of Levin, John Lord Lindesay, John Lord Balmerino, James Lord Almond, Sir Patrik Hepburne of Wauchtoun, Sir George Dundas of that ilk, Sir Thomas Myretoun of Cambo, Sir Patrik Hammiltoun, Sir Thomas Hope of Kerse, Sir Robert Innes of that ilk, Sir Archbald Johnstoun, Sir Alexander Erskene of Dun, Sir David Home of Wedderburne, Sir Robert Grierstone of Lag, Sir William Scot of Harden, Sir John Charters of Amisfeild, Ruthven of Frieland, Campbell of Cessinok, Sir David Grahame of Morphie, Sir Hary Montgomrie

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 gomrie of Giffen, Sir William Forbes of Craigievaire, Sir William Douglas of Cavers, Edward Edgar, Patrik Bell, William Glendonning, John Smith, Master Robert Barclay, Thomas Durham, James Fletcher, Patrik Leslie, Thomas Bruce, George Bell, James Sword, John Rutherford, Master John Corser, Hugh Kennedye, John Semple, Master Robert Cunyngham, Master Alexander Douglas, Richard Maxwell, or any twelve of them, With power to them, or any twelve of them, as said is, there being at least two of every Estate at any time or times in the Interim betwixt the sitting of the Parliaments, To conveene amongst themselves, or with the Commissioners chosen, or to be chosen to the same effect by His Majesty, with consent of the Parliament of England, within which is included the Kingdome of Ireland, at whatsoever places and times convenient to be accorded unto amongst themselves, And to be carefull, that the peace, now happily concluded, may be continued, And to endeavour by all lawfull meanes, for preserving and keeping of the saids Articles of peace concluded in the foresaid Treaty allanerly, And therewith to use all their care to preveen all trouble and division which may arise by the breaking and violating of any of the saids Articles, concluded in the said Treaty, as said is: And if any debate or difference shall happen to arise, to the disturbance of the said common peace, That they labour to remove or compose the same, according to their power granted to them in manner foresaid, and no other wayes: It being alwaies provided, That for all their proceedings in this kinde, they shall be answerable for the lawfulness thereof to the Kings Majesty and the Parliament respective: and if any thing fall forth beyond their power, and which cannot be remedied by them, that they informe themselves of the particulars thereof, and represent the same to his Majesty, and to the ensuing Parliaments respective, That by his Majesties wisdom and authority, and theirs, all occasions and causes of troubles being removed, the peace of the Kingdome may be perpetuall to all posterity: And it is declared, that the power of this Commission shall be restrained to the Articles of peace, concluded in the said Treaty, as said is, and shall endure for the interim betwixt Parliaments allanerly, and shall expire at the next ensuing Parliament, at the which the said Commissioners shall be holden, to give an account of their diligence and proceeding in the premisses.

ACT XXXIII.

ACT ANENT THE FIVE INCENDIARIES
And the Plotters, And the Kings declaration
there-anent. 16 November, 1641.

THe Estates of Parliament, considering that whereas albeit *John Earle of Traquhair*, *Sir Robert Spottiswood* of Donipace knight, *Sir John Hay* of Baro knight, late Clerk register, *Doctor Walter Balcanquell*, and *Mr. John Maxwell* sometime, pretended Bishop of Rosse, are cited before them, and accused as guilty of divers haynous and treasonable crimes perpetrated and committed by them against the Common wealth, contained in their severall ditties, which they have just reason to prosecute: Nevertheless the saids Estates of Parliament, taking into their consideration his Majesties gracious goodnesse towards this his native kingdome, and his fatherly care and wisedome in composing of all past differences, and providing for the future, to the great joy and happinesse of all his Subjects, doe in retribution thereof, with an unanimous consent to testifie their high respect and thankfulness to his Majesty, and that his Majesty may joyfully returne a contented prince from a contented people, to the settling of his royall affaires in his other dominions, beleevyng that the famine will be acceptable to his Majesty, and conduceable to the good and peace of the kingdom, Declare, that for acquitting themselves of their oath, they will onely proceed to the exact triall of the saids parties by a committee to be appointed and authorized by the king and Parliament, in respect of the present necessity of their other affaires, And after tryall shall be taken of the saids persons, and of the crimes whereof they are accused, the Parliament declares, that they will not proceed to a finall sentence, nor insist upon the punishment of those persons, but that they doe for the reasons foresaids freely remit them to his Majesty.

The Estates of Parliament considering, that whereas albeit *James Earle of Montrose*, *Archbald Lord Napier*, *Sir George Stirling* of keir knight, *Sir Archbald Stewart* of Black hall are cited before them, and accused as guilty of diverse crimes & misdemeanours committed by them, to the just offence of the Estates of Parliament, and derogatorie to the great trust & confidence had of them, And albeit the Parliament have just reason to prosecute their processe, yet nevertheless the saids Estates of Parliament, taking into their consideration his Majesties gracious goodnesse towards this his native Kingdom, and fatherly care and wisedome in composing all past differences, and providing for the future, to the great joy and happines of all his subjects, Do in retribution thereof, with an unanimous consent, to testifie their high respect and thankfulness to his Majesty, and that his Majesty may joyfully returne, a contented prince from a contented people, to the settling of his royall affaires in his other dominions, beleevyng that the

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the famine will be acceptable to his Majesty, and conduceable to the good and peace of the kingdome, Declare, that for acquitting themselves of their oath, they will onely proceed to the exact tryall of the saids parties by a committee to be appointed and authorized by the King and Parliament, in respect of the present necessity of their other affaires, and after triall shall be taken of the saids persons, and of the crimes whereof they are accused, The Parliament declares, that they will not proceed to a finall sentence, nor insist upon the punishment of the saids persons, but that they doe for the reasons foresaids freely remit them to his Majesty.

At Edinburgh the sixteenth day of November, the yeare of God 1641 yeares, the Parliament having expressed their respect and thankfulness to his Majesty, by remitting unto him these that are cited as Incendiaries, and others, according to their abovementioned declaration, he was graciously pleased (the better to testifie his Princely care, and to prevent any feares that may be conceived from the meddling of those persons in the affaires of State or Court) to make this Declaration following:

ITaking in good part the respect and thankfulness of this Parliament, in remitting to me these who are cited as Incendiaries, and others, according to their Declarations, Doe declare, that I will not imploy any of these persons in offices or places of Court or State, without consent of Parliament, nor grant them access to my person, whereby they may interrupt or disturb the firme peace which is now so happily concluded.

ACT XXXIV.

ACT AND COMMISSION FOR TRYING
The Incendiaries and Plotters. 16. November, 1641.



UR Sovereign Lord and Estates of Parliament, having taken to consideration, That in the Session of Parliament convened by his Majesties authoritie upon the eleventh day of June 1640. yeares, full power and warrant was given and granted to the Preses and *Quorum* of the Committee of Estates therein appointed for directing, in the Kings Majesties name, and in name of the Estates of Parliament, summons and precepts to the Lyon King at Armes, and his brethren Heralds, Purservants, and Maillars, to warn and charge the persons under written, viz. *John Earle of Traquaire*, *Sir Robert Spottiswood* of Donipace knight, *Sir John Hay* of Lands, late Clerk Register, *Doctor Walter Balcanquell*, and

and Master *John Maxwell*, sometime pretended Bishop of Rosse, to compeir personally, before the Parliament at certaine dayes and diets by-gone: And that conforme to the said warrant of Parliament, summonds were raised and intended at the instance of Sir *Thomas Hope* of Craighall Knight baronet, his Majesties Advocate; and at the instance of Sir *Thomas Nicolson* of Carnock, Knight Baronet; Masters, *Roger Mowat*, *Alexander Peirson*, *James Baird*, and *Thomas Nicolson*, Procurators of the Estate, to compeire before the Kings Majesty and Estates of Parliament at certaine dayes and diets now by-gone, to answer for the crimes of Treason, and other crimes contained in the said summonds and precepts, of the date the _____ day of _____ yeares. And als our Sovereigne Lord and Estates of Parliament, considering that summonds and actions are depending before our said Sovereigne Lord and the Estates of this present Parliament, against *James Earle of Montrose*, *Archbald Lord Naper*, Sir *George Stirling* of Keir, Knight, Sir *Archbald Stuart* of Blakhall as having been plotters, devisers, and machinators of courtes against the publick weale, and as having been the committers of other severall crimes and forefaults, particularly specified and contained in the said summonds, raised and depending against the said Earle of Montrose, Lord Naper, Lairds of Keir, and Blakhall

Before the Kings Majestie and the Estates of this present Parliament of the date the _____ day of _____ 1641. yeares, as the famine at more length beares, Therefore our Sovereigne Lord and the Estates of this present Parliament, for the further examination and tryall of the persons above specified their guiltinesse of the points and crimes above written, contained in the summonds particularly and respectively above mentioned, Gives and grants by thir presents full power, authority and commission to the persons after mentioned, viz. *John Lord Lowdoun* Chancellour, *John Earle of Lauderdale*, *Earle of Weymes*, *Robert Lord Burghly*, *James Lord Couper*, *George Lord Forrester*, Sir *John Hammiltoun* of Preston, Sir *William Cokburne* of Langtoun, *Harie Montgomrie* of Giffin, Sir *George Dundas* of that ilk, Sir *John Wauchope* of Nidrie, *William Rig* of Ethernie, *George Bell* for the towne of Linlithgow, *Thomas Bruce* for Stirling, Mr. *George Gray* for Hadingtoun, *George Gardine* for Bruntiland, and *Robert Cuninghame* for Kinghorne, *James Sword* for Saint Andrewes, and Sir *Alexander Gibson* of Durie, and Sir *Adam Hepburne* of Humberie, two of the ordinary Senators of the Colledge of justice, or to any *Quorum* of the said number of the saids persons, being present for the time, which *Quorum* shall consist of nine, two being for ilk estate, by the saids two Judges above named, to proceed in all further examination of the points of the saids crimes consisting *in facto*: And that by examination of witnesses, and by writ, or other probation competent of the Law against so many of the saids persons as are not compeiring, without all farther citation, in respect of their absence and contumacie: And als to call and convene before them the foresaid persons above rehearsed in the said summonds particularly and respectively above written, so many of them as are incarcerate, before them, at such dayes and

and diets as they most conveniently shall appoint at Edinburgh the fourth day of January next to come, which is appointed to be the first diet of their meeting: And ordaines these who are incarcerate to be cited personally, and these who are out of the Countrey, at the Mercat Crosse of Edinburgh, Peire and Shore of Leith, To answer before the saids persons Commissioners, appointed by thir presents, for the crymes particularly and *respective* contained in the said Summonds above written, to the effect they may bee further examined by them, and may object against such witnesses as shall be cited to compeire to depone in the said matter. With full power and Commission to the saids persons, or *Quorum* foresaid, to proceed in the cognition and tryall of the crimes particularly and *respective* above written, to the discussing of the relevancie of the Summonds particularly and *respective* above written, and to the receiving of all lawfull probation in the saids crimes above written against the saids persons, particularly summoned, as is above written: And to that effect, to direct their Precepts and Summonds for summoning of witnesses in the particular crimes *respective* above specified, under the paine of horning, and generally, all and sundry other things to doe for the exact tryall of the saids persons: Providing alwayes, that the saids persons Commissioners, as is above specified, appoynted by thir presents, shall not proceed, Like as our Sovereigne Lord and Estates of Parliament presently convened, by thir presents discharges the saids Commissioners and *Quorum* foresaid, to proceed to any decision in the said poynts or crimes, or to pronounce any sentence convictive against the saids persons particularly above written, summoned to this present Parliament particularly and *respective*, as said is, but onely that the Commissioners foresaid shall doe their diligence in the points particularly above specified, committed to them, in discussing the relevancie of the said Summonds particularly and *respective* above written, and in receiving all legall probation thereupon, And the Commissioners or *Quorum* foresaid to proceed with all diligence, and make their report concerning the relevancie, and how farre they shall find the same proved, or not, without pronouncing any farther sentence against them, or any of them, and that they finish the processe and tryall before the first day of March next to come.

ACT

ACT XXXV.

ACT ANENT THE PASSING FROM
These who are cited to the Parliament as unfriends.
16. November, 1641.

THe Estates of Parliament, Considering that whereas there are divers and sundry persons indited and accused before this Parliament, as guilty of certain crimes committed by them, against the State, and to the prejudice of the peace of this Kingdome, Neverthelesse the laids Estates of Parliament, considering that by Gods mercy and providence, and by his Majesties great wisdom, all our tempests are returned into the calme of an happie peace, And that tryall is taken anent the persuits and proceses for which the laids persons are cited to the Parliament, Doe hereby, out of their respect to His Majesty, to whom they know the samine will be acceptable, Declare that they have acquitted and discharged, And hereby acquits and discharges, all other persons, cited and called to appeare before them, To answer for whatsoever crime or misdemeanour committed, during the late troubles: And declares the Act of Pacification and Oblivion, and benefite thereof, to be extended to them, siclike as if they had not been cited before this present Parliament: And butt prejudice alwayes of the restitution to private parties, conforme to the said Act of Pacification contained in the Treaty, And of all lawfull sentences recovered against any of the laid persons, before the Committee of Estates: And declares, that this Act doth not extend to the Incendiaries or plotters, but only to such others who are cited to the Parliament as unfriends.

ACT XXXVI

ACT FOR SELLING OF YARNE BY
WAIGHT. 16. November, 1641.

Our Sovereign Lord and Estates presently assembled, Understanding how necessar and convenient it is, that all yarne be bought and sold by weight: Therefore Our Sovereign Lord, with advice and consent of the laids Estates, Ratifies and approves the Acts of His Majesties Councell, Ordaining the same to be sold by weight, in all the heads, clauses and articles thereof, dated at Halyrude-houfe the 28. of July, 1631. years, and ordaines the samine to stand as a Law, and to take effect in all time coming.

ACT.

ACT XXXVII.

ACT ANENT LINNEN CLOTH
And breadth thereof. 16. November 1641.

Our Sovereign Lord and Estates presently assembled, finding that linnen cloth is become one of the prime commodities of this kingdome, whereby many people are put to work, and mony is brought within the same, which partlie through the deceit used by the bleitchers, in lyming thereof, and partly by the incertaintie of the breadth, is likely to come in contempt abroad, to the great prejudice of this kingdome: Therefore his Majesty, with consent of the laids Estates, Statutes and ordaines that no makers of linnen cloth, nor no others whatsoever, present to market, or other wayes, make or sell any linnen cloth of the price of tenne shillings the elne or above, of lesse breadth then an elne, And all under the said price, to be of no lesse breadth then three quarters of an elne, under paine of confiscation of all such linnen presented to market, or other wayes sold, which shalbe found not to be of the breadth above-named, And ordaines the magistrates, within whose bounds and jurisdictions the said linnen cloth, made contrair to this statute, shall happen to come, to confiscate and escheat the same, And for this effect, to searh all the markets within their bounds: As also discharges and inhibites all our Sovereigne Lords lieges and subjects, that none of them presume nor take upon hand to bleitch any cloth with lyme, under paine to be punished in their persons and goods at the will of the Magistrate, within whose bounds they dwell: And last, it is statute and ordained, that all linnen cloth shall be taken up by the selvedge and not by the rig, and so to be presented to the market, and ordaines the sheriffe of the shires and Magistrates within burgh, to put this statute to execution within their severall jurisdictions.

ACT XXXVIII.

DISCHARGING THE IMPORTATION
Of strong waters. 16. November 1641.

Our Sovereigne Lord and estates of Parliament, understanding, that there is divers strong waters brought into this kingdome from forraign places, which might be more conveniently made within the kingdome, to the benefite of the natives thereof: Therefore his Majesty, with consent of the laids Estates, discharges all inbringing of aquavitie or strong waters, within this Kingdome, under the paine of escheat thereof.

ACT

ACT XXXIX.

ACT ANENT THE EXSISE OF
Herring. 16. November. 1641.

OUR Sovereign Lord and Estates of Parliament, considering that his Majesties assise of all Herrings slain within the Reid-head, and Saint Tobs-head, is a thousand Herrings forth of ilk boat, ilk dreave that holds: And finding the collecting of these Herrings to be very hard and difficile, have thought expedient to modifie the price of these Herrings, and convert the samine thousand Herrings into money, And therefore our said Sovereign Lord, with the advice of the Estates, modifies and converts the price of the said one thousand Herrings, payable for assise, to the summe of six pounds money of this Realme, and declares that to be the constant price thereof in time comming, without respect of deare or cheap Herrings: And because the fishers residents in the East Seas, and who dwell within the saids bounds, on the North and South side of Forth and Tay, by-west the Reid-head, and Saint Tobs-head, in respect of the great hazard and danger they are in, in ventring to the North Iles with their Ships and Barks, wherein they transport two Boats or Yolles, as pendicles of the saids Ships and Barks, and vehicles for their use and the better accommodating of their voyage, were in use to pay only the summe of five pound in satisfaction of the assise Herrings, ilk Tack that holds for ilk Ship or Barke, without having respect to Ship-boats and Yolles, which are onely pendicles, and vehicles of the saids Ships and Barks: Therefore his Majesty, with advice of the Estates, being certainly persuaded, that it is impossible to the saids fishers to accomplish their voyages, unlesse they have two Ship-boats or Yolles carried in the saids Ships or Barks, as pendicles and vehicles thereto: Declares, that the saids fishers, are and shall only be liable in the said summe of six pounds, in full satisfaction of the assise in the North Iles, for ilk Ship or Barke, ilk Tack that holds, not having regard of the saids ship-boats or Yolles, there being but two Boats to ilk ship at the farthest, which they do hereby liberate and exeem from all payment of any dutie: And discharges all our Sovereign Lords Lieges for exacting or uplifting any other assise from the saids fishers, nor the particular duties above specified: And ordaines the collectors thereof to uplift the same legally, after ilk dreave, and to desist from troubling the fishers during the time thereof.

ACT

ACT XL.

ACT ANENT LOYALL PACKING OF
Salmond. 16. November 1641.

OUR Sovereign Lord and Estates presently assembled, Understanding that the Salmond fishings are one of the principall benefits whereby Trade is maintained, and money brought in the Kingdom, and that through the evill ordering thereof, both in the insufficiencie of the Barrels, & also in the disloyall packing of the same, not onely is the Merchants estate damnified thereby, but also the Nation is dishonoured abroad, and disappointed of what should returne thereby: Therefore Our said Sovereign Lord, with advice and consent of the saids Estates, Ordaines an act to be made, Ratifying and approving all and sundry Acts of Parliament, Lawes and Constitutions of this Realme, made anent Salmond fishing, and the sufficiency of the barrels, and loyall packing thereof, With this addition, That the whole Coupers within this Kingdom, make the said Salmond Barrels of good and sufficient new Knappell, wherefore he shall be answerable, without worme-holes, and white wood of sufficient tichtnesse, for containing the pickle, and sufficient tichtnesse for enduring all kind of stresse in the handling, and that the barrels contain no lesse then ten gallons of the Stirling pint, conforme to an act of His Majesties Councell, of the date at Halyrude-houise, the fifteenth day of July 1619. yeares, which His Majesty with consent foresaid, Ratifies and approves in all the heads, clauses and articles thereof, to be ratified in this present Parliament, under the paine of five pounds to be payed by the Couper for ilk insufficient barrell, and escheat, of the samine barrell, and that the samine be well pynd in the pickle before the packing thereof, and thereafter the said barrels, to be well tichted and double girted, before the transporting thereof to forraign Nations: And that no barrell be sooner made and blowne, but the Coupers birne be set thereon, on the rapone staffe thereof, in testimony of the sufficiency of the tree, and that every couper be answerable and lyable in payment of such losses as happen to be laid on the fish at the Market, if it be found to be in the default of the Couper, by the insufficiency of the tree, or packing, or any other meanes in the Coupers fault, and that they keep right jedge both in the length of the staves, the bilge girth, the wide-nesse of the head, and deepnesse of the chin, The barrell being made, marked, and thrice gene in the packing, shall be marked with the marking iron, under a very particular merchands mark, as use is, and that no burgh, or any other trading with Salmond, shall presume to counterfeit the mark or birne of *Aberdene*, under the paine of confiscation of the Salmond, by and attour the punishment of the parties counterfeiters, at the pleasure of the judge ordinar, the one halfe of the said paine to pertaine to His Majesty, and the other halfe to the burgh so wronged: And ordaines the Magistrates within burgh to put this act to execution.

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ACT XLII.
ACT ANENT THE KINGS MAJESTIES
Rents, uplifted by warrant of the Committee of Estates for
the publike use. 16. November, 1641.



OUR Sovereign Lord and Estates of Parliament, Considering that during the time of the late troubles of this Kingdome, there were some of his Majesties rents, customes and impost, uplifted and intronnetted with, for serving of the present necessities of the publike affaires of this Kingdome, by warrant of the late Committee of Estates, and by other publike orders, and that there were sundry by-gone pensions and fees due to diverse of His Majesties Pensioners and Servants, satisfied and payed to them, conforme to their rights and pensions by order of the late Committee of Estates, residing at Edinburgh: And His Majesty being graciously pleased to approve and allow of the foresaids intronmissions had, and payment made in manner, and for the causes above-written, Therefore our said Sovereign Lord, with advice and consent of the saids Estates of Parliament, Ratifies, approves and dispenses with all such intronmission with His Majesties rents, customes and impost, as have been uplifted, payed and intronnetted with, preceding the twenty ninth day of June last by-past, for the uses and causes foresaid: Together with the payment of the same made by publike order, as said is: And declares that the same payment made, and intronmission had by warrant from the said Committee of Estates, or by other publike orders, preceding the said twenty ninth day of June last by-past, are and shall be sufficient exoneration to the payers of the saids rents, customes and impost, and to the receivers of the same, by vertue of the saids publike orders, and to all others concerned therein, like as the discharges upon the payment thereof by publike order foresaid, shall be allowed to the payers of the same, in the accounts of their intronmission, with his Majesties rents, customes and impost foresaid, to be made in His Majesties exchequer, whereanent thir presents shall be a sufficient warrant to all that are concerned therintill, and to the Lords and Commissioners of His Majesties Exchequer, to allow and defray the same in the saids accounts to be made in Exchequer by the chalmerlands, intronnetters with, and receivers of his Majesties rents, customes and impost foresaid, and ordaines count to be made of the said intronmission in Exchequer.

ACT.

ACT XLII.
ACT ANENT THE DISCHARGING OF
Advocations for summes within an hundred
pounds. 16. November, 1641.



OUR Sovereign Lord and Estates presently convened, considering the manifold prejudices and trouble arising to divers of his Majesties Lieges, in pursuing of matters of small importance, by the too frequent granting of Advocations from inferiour Judges: Therefore our said Sovereign Lord, with advice and consent of the saids Estates, discharges the Lords of Session from giving and granting Letters of Advocation of any actions intended or to be intended before whatsoever inferiour Judicatories, which may competently, by the Lawes of the Kingdome, be decided by the saids inferiour Judges, before whom the said action is or shall be intended, for summes of money within an hundred pounds, or for any other causes, whereunto by the Lawes of the Kingdome the saids inferiour Judges are appointed Judges.

ACT XLIII.
ACT ANENT THE DIRECTING OF
Cocquets within the Regalitie of Saint Andrewes,
in the Kings Majesties Name.
16. November, 1641.

OUR Sovereign Lord, with advice and consent of the three Estates of Parliament, statutes and ordaines, That all Cocquets to be given forth within the Regalitie of Saint Andrewes, now holden of the Kings Majestie, through the abolition of Bishops, be directed and granted by *John* Lord Lindsay, and his Deputes, Cocquet-keepers, within the Regalitie foresaid, in all time comming, in the Kings Majesties name, whereas the same were before directed in name of the Archbishop of Saint Andrewes.

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ACT XLIV.

ACT DISCHARGING THE TRANSPORTATION OF EGGS. 16. November, 1641.

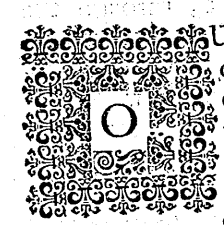


OUR Sovereigne Lord and Estates of Parliament finde that it is necessary and expedient, for the good of the publick, that the transporting of egges out of this Kingdome be restrained, in respect it brings not any considerable moneyes into the Countrey, no wayes comparable to the losse, considering the diet of poore labouring servants, who eat only bread, and drinke water, if egges were restrained, might be bettered, by getting egges to his meat at an easie rate, or of his own,

The breed of Chickens, Hens, and Capons, would be in farre greater abundance, so that they might sell at two pence, a goate, and six pence, where they are now two goats, twelve pence, and eighteen pence: And where the eggs sell now at fourtie pennies, sometimes a goate, might be sold for twelve pennies, or eighteene pennies: And where they give five shillings six pence where the salt is made, they might sell their dearest for a two pence: Therefore to grant a restraint under the paine of confiscation of the egges, and an hundred pound, toties quoties, to be incurred by the party transporter, to be proved by witnesses, or oath of party.

ACT XLV.

ACT AGAINST DESTROYERS OF PLANTING, AND OTHERS. 16. November, 1641.



OUR Sovereigne Lord, and Estates of Parliament, considering that Parks and Plantings are great corements, and much profitable to the Kingdome; and that the demolishing and down-casting of the dikes of either, and spoiling of the ground and planting inclosed within the same, by these who are evill affected to policie, is a great discouragement to many who are vertuously disposed to Parking and Planting: Therefore his Majesty, with consent of the Estates, discharges all hawkers, hunters, travellers, and others persons whatsoever, to whom the same Parking and Planting doe not belong, from demolishing, down-casting, climbing, or any wayes wronging of any of the Dikes foresaid, Parkes

Parks and Planting within the same, under the paine of five pounds toties quoties: Which fines, his Majesty and Estates foresaid declares to appertaine to the owners of the said Parks and Plantings, they or their servants deprehending the fallers: And if any other deprehend them, the one halfe to appertaine to the deprehender, the other to the heritor, With power to the deprehender to pursue the contraveener before the ordinar Judge: And if it shall happen the heritors own teant to contraven the Act foresaid, with power to the heritors to unlaw them at their own pleasure, the penalty and unlaw alwayes not exceeding the paine foresaid.

ACT XLVI.

ACT ORDAINING THE PURSUER OF THE THIEFE TO BE RESTORED TO HIS OWNE GOODS. 16. November 1641.




OUR Sovereigne Lord and Estates of Parliament, understanding, that when any theeves were taken and executed for theft, or declared fugitives for not entering and under-lying the law, therefore their whole escheat fell to the Kings Majesty, and the goods stollen, pertaining to the pursuer of the said theeves, and so the said party wronged was prejudged of his owne geir: Therefore, and for remeied whereof, our said Sovereign Lord and

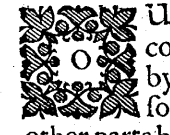
Estates of Parliament statutes and ordaines, that any person, having any goods or geir stollen from them, and having pursued the stealer thereof, shall have their owne goods againe wherever the same can be apprehended, although the thiefe stealer thereof suffer: And where the said stollen goods cannot be had, ordaines the pursuers of the said thiefe to have the just value, price, and availe of the goods and geir stollen from him, out of the readiest of the theeves goods: Together with the expences they shall wair in the said pursuit, the pursuers alwayes pursuing the thiefe, usque ad sententiam, reserving to the taker and Sheriffe the expences bestowed by them in the taking and execution of the thiefe.

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ACT XLVII.
ACT ANENT COALE-HEWERS.
 16. November, 1641.

UR Sovereign Lord and Estates of this present Parliament, ratifies the eleventh Act of the eighteenth Parliament of King *James* the sixth of worthy memory, made anent Coale-hewers and Salters, with this addition, that because Water-men who laves and drawes water in the coale-heuch-head in this Kingdome, and gait-men who worke the wayes and passages in the saids heuchs, are als necessar to the owners and masters of the said coale-heuchs as the coale-hewers and bearers, It is therefore statute and ordained, that no person shall hyre or seduce any watermen, and wind-men, and gait-men without a testimoniall of the master whom they serve, under the pains contained in the former Acts in all points: And because it is found by experience, that the giving of great fees hath beene a meane and way to seduce and bring coale-hewers from their masters, It is therefore statute and ordained, that it shall not bee lawfull to any coale-masters in this Kingdome to give any greater fee nor the summe of twenty markes in fee, or bounteth, under any colour or pretext: And because the saids coale-hewers, and salters, and others workemen in coale-heuchs within this Kingdome, doe lye from their worke at Pasch, Yule, Whitsunday and certaine other times in the yeare, which times they imploy in drinking and deboishrie, to the great offence of God, and prejudice of their master, It is therefore statute and ordained, that the saids coale-hewers and salters, and others workemen of coale-heuchs in this Kingdome, worke all the six dayes of the weeke, under the pains following, that is to say, That every coale-hewer or salter who lyes idle, shall pay twenty shillings for every day, by and attour the prejudice sustained by their master, and other punishment of their bodies.

ACT XLVIII.
ACT DISCHARGING THE MIXING OF TIN
 With lead. 16. November 1641.


UR Sovereign Lord and Estates of this present Parliament, considering the great hurt sustained by his Majesties Lieges by the fraudulent dealing of pewterers, in mixing the finer sort of tinne brought from England, France, Flanders, and other parts beyond sea, with baser and courser mettall of tin and lead, & their exacting greater prices betwixt the new cassin by them, and the old, which they receive from the lieges: For remeed wherof, it is statute and ordained, that the pewterer or founder of tin shall put the marke of the thriffle, and his owne name upon every piece of worke that hee happens

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Act 49. OF KING CHARLES.

happens to cast, and that the same shall bee of the finest of the pewter marked with the rose in England: And in case the same be under the finesse of the said pewter of England, that the same shall bee confiscate, and hee punished in his person at the discretion of the Magistrates of the Burgh where he dwells: And to that effect, that there bee a visitor appointed by the Magistrates for trying of the samine: As likewise that he shall take betwixt the pound of old tinne and pewter, marked with the rose foresaid which he receives from the Lieges, and the pound of new cassin by him, eightene pennies allanerly, under the pain foresaid.

ACT XLIX.
ANENT DOCQUETING AND PRESENTING
 Of Signators. 16. November, 1641.

UR Sovereign Lord, with advice and consent of the Estates of Parliament, Considering that by the twentieth Act of his Majesties dearest Father King *James* the sixth his tenth Parliament, for avoyding the prejudice did then arise by the subscribing of fundry Signators and Letters at the importunate suite and desire of fundry persons, His Highnesse not being informed or timely warned to the effect and contents thereof, Therefore his Majesty, with the advice of the Estates convened in Parliament, did statute and ordaine, that no Signator nor Letter whatsoever shall bee presented to his Majesty in time coming, but by his ordinary officers, unto whom the samine properly belongeth, or who have power of docqueting and presenting by their patents, as the Act at more length beareth: And his Majesty, with advice and consent foresaid, also considering how prejudiciall it is to his Majesties honour, and the peace and good of his Majesties Subjects, That Signators of one and the same thing without his Majesties certaine knowledge, shall passe his Majesties hand in favours of severall persons, or that Letters of contrary tenours shall bee signed by his Majesty, and directed to Officers and Judges within this Kingdome, The onely occasion thereof is, that others then the said Officers, or their Deputes, or others foresaid, to whom the samine may belong, Takes upon them to present Signators and Letters to his Majesty for their friends and acquaintance, either not knowing the former Signator or Letters of contrary straine, or of set knowledge to reverse what hath beene done before, without giving true information or reasons to move his Majesty to signe these Signators, or wrest contrary Letters: For remeed wherof, his Majesty, with advice and consent foresaid, ratifies and approves the foresaid Act in all the poynts therof, and declares that it shall not bee leifome or permitted to any person or persons whatsoever, to present any Signator, Writ, Letter, or Warrant to bee signed by his Majesty, except by the saids ordinary Officers, unto whose Office the samine properly belongs, and by others foresaids, having power and warrant, as said is: And that his Majesty may the better

better know what passeth his highnes hand, and upon what grounds and reasons he signes the same, it is expedient, that any of the saids officers that shall present any signator, writ, letter, or warrand, to be signed by his Majesty, shall cause register the docquet of the same in a Register, and send the just and authentike double thereof, subscribed with their hand, to his Majesties Secretary, who shall be obliged to give his Majesty notice and timous warning of any prior deed, different or contrair to the posterior, that his Majesty may either refuse the same, or specifie his Majesties certaine knowledge for passing and signing thereof.

ACT L.

ACT ANENT THE ELECTION OF
The President of Parliament. 16. November 1641.

Our Sovereigne Lord and Estates of Parliament, considering how necessary and expedient it is, that in every Parliament to be holden within this Kingdom, there be a President of Parliament chosen by his Majesty, or his Commissioner, and Estates of Parliament, to proceed in all matters to be agitate in Parliament, Therefore his Majesty, with advice and consent foresaid, Statutes and ordaines, that in all succeeding parliaments, after taking of the oath of Parliament by all the members thereof, they shall make choice of the Lord Chauncellour, or any other the King, or his Commissioner, and the Estates shall appoint, to be President of Parliament, who shall remaine and continue President als well in that Parliament wherein he is chosen, as in the next Parliament subsequent, untill the said oath be taken, and another chosen to be President in his roome.

ACT LI.


ACT ANENT THE SUPERIORITIE OF
Lands, and others, which formerly held of Bishops and
their Chapters, to be now holden of the
King. 16. November 1641.

Our Sovereigne Lord and Estates of Parliament, for removing all doubts and questions that may arise anent the superiorities of these lands, milnes, fishings, heritable offices, and others which held of the late pretended Bishops or of their chapters, by reason of the abolishing of Bishops and chapters foresaid, forth of this Kirke and Kingdome, and to the effect the subjects and vassals of these holdings may be put in assurance hereanent, have statute, ordained, and declared, and by thir presents statutes,

tutes, ordaines and declares, That all these superiorities which formerly pertained to the saids pretended Bishops and their chapters, now abolished, as said is, doe now pertain and belong, and shall hereafter pertain to our Sovereign Lord, & His Highnesse Successours in all time coming: And that the Vassals of these Lands, Mills, Fishings, heritable Offices, and others, which formerly held of the same Bishops and their chapters, doe now, and shall in time coming hold the same of our Sovereign Lord the Kings Majesty and His Successours, in the same form and manner of holding, as they formerly held of the saids Bishops and their chapters, conform to the saids vassals their infestments and rights, made and pertaining to them, which are hereby declared to be unprejudged by the abolishing of the saids Bishops and their chapters, their former Superiours: And siclike, Our said Sovereign Lord and Estates of Parliament declare all these services of heires to their defunct predecessours, to any of the Lands and others, holden of the saids Bishops (since the excommunication of Bishops,) whereby these heires are served to the saids Lands to be holden of the Kings Majesty, to be vailid and lawfull services and rights led and done: And ordaines all such services as are to be led & deduced hereafter, for serving of the heires of the vassals of the lands and others foresaid, as heires in the same lands, to be served heires thereintill, to be holden of the Kings Majesty and His Successours foresaid, as their superiours of the same Lands and others above mentioned, in all time coming, with this provision, that the few duties of these lands holden of the chapters now retained *in titulo*, shall pertaine and be payed them, during the present titulars life-times: And it is declared, that this present act shall not be prejudiciall to the infestment granted by his Majesty to the Duke of Lennox of the superiority of the whole Lands and Barronies which pertained to the temporality of the Arch-bisshoprick of Glasgow, but that the said infestment shall stand vailid in the selfe, and the vassals to hold their Lands of the said Duke of Lennox and his Successours, as their superiours thereof in time coming: And also declares thir presents, neither act nor reservation foresaid, shall not be extended to the Deanrie or Sub-deanrie of Glasgow, nor nothing holden of the Deari or Sub-dean: As also but prejudice to the Earle of Lauderdale, of his infestments of Stobo and Etilstoun, which is no wayes prejudged by this act nor reservation foresaid, Providing that this provision shall not better, nor strengthen the Earle of Lauderdale's right and infestment foresaid, But the same to be in that same condition, as before the date of thir presents.

ACT.

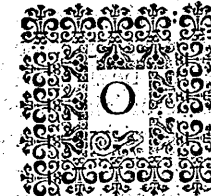
ACT LII.
COMMISSION FOR REVISING OF
 The Registers. 16. November 1641.

UR Sovereigne Lord and Estates of Parliament, considering that this long time by-gone the Registers and Records of Parliament have not bene visited, so that some of the ancient Records might have been abstracted; vitiate, or disordered: Therefore our Sovereigne Lord and Estates foresaids, gives full power and Commission to the persons following, *viz.* the Lord Chancellour, the Earle of Argyle, Earle of Lauderdale, and Clerk Register, to meet when the Lord Chancellour shall appoint

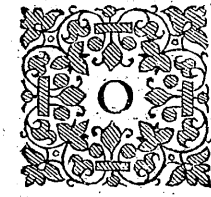
To take inspection, and revise and looke over all the whole Registers and Records of Parliament, aswell these in the Castle, as these in other mens custodie, and to call for the old Inventars thereof, and compare them with the Registers, and to make two new authentick Inventars thereof, without copying of the saids Registers and Records: Which Inventars shall be subscribed by the most part of the visitors, the one whereof shall be delivered to the Clerk Register, to be kept by him, the other Inventar shall be laid up, either with their Honours, or some other lockfast place, whereof the Lord Chancellour for the time shall keep the key, and to cause make presses, boxes, buists, or other necessaries fitting for keeping of the saids Registers and Records, And also to consider of the place and house where the saids Registers lie, and to advise and appoint the best wayes and meanes for preserving and sure custodie of the saids Registers and Records, With power also to them to mark and observe any defect or wants in the saids Registers and Records, and the vitiations thereof, if any be: And siclike, to marke, number, and put in perfect order, the saids Registers and Records, with power also to make a perfect Index of all the unprinted Acts of Parliament which doe not concerne particularly private persons, but such as import and concerne only generally the whole lieges: And siclike, gives full power to the persons foresaids to lay up the principall late Treatie amongst the saids Records and Registers, and generally to doe all and sundry other things, whereby the saids Registers and Records may be preserved, and their perfections or imperfections may be notified: And ordaines them to make report of their faithfull and exact diligence hereintill at the next Parliament. And our Sovereigne Lord and Estates foresaid, declares thir presents is no wayes prejudiciall to the Clerk Register of receiving, keeping, and using of the saids Registers, and keyes thereof, in the meane time conforme to his right and place.

ACT

ACT LIII.
ACT ANENT COCQUETS, AND ENTRIES
 of Ships, modifying the entrie to 23 shillings 4 pennies, and the Cocquet to 40 shillings. 16. November, 1641.

UR Sovereigne Lord and Estates presently convened, understanding there are divers abuses committed by the Customers and Receivers of entries of Ships, and by the keepers of the Cocquet, in sometime exacting from Masters of Ships greater summes of money than is due to them, and sometimes absenting themselves, to the great prejudice of the Merchants estate, and to the hazard of the losse of their voyage: Therefore our Sovereigne Lord, with advice and consent of the Estates, ordains, that there be no greater price exacted for entring their Ships and Goods, then the summe of twenty three shillings foure pennies, and for the said Cocquet, then the summe of forty shillings: and that the keepers of the said Cocquet attend by themselves, or their servants, diligently and readily, to answer and give out Cocquets to all Merchants, and Masters of Ships, under paine of losing their place, whensoever they shall be found, either to exact more then the said summe above written, or shall occasion to the saids Merchants and Masters more delay nor is needfull for writing of the same.


ACT LIV.
ACT ANENT DISCHARGING THE
 Registrat[i]on of comprisings, and appointing the recording and allowing of comprisings, and prices thereof.
 16. November 1641.

UR Sovereigne Lord and Estates of Parliament, having taken to their consideration, that the registrat[i]on of Comprisings hath put the lieges to great needlesse, and unnecessary charges and expences, and that the same doth neither adde to the validity of the Comprisings, nor to the benefit of the Comprisers: And therefore have discharged, and by the tenour hereof discharges all registrat[i]on of Comprisings, together with all gifts, Acts of Councell, and others warrants, consuetude or custome whatsoever, granted or observed thereanent: And declares, that the same Gifts, Acts of Councell, and others warrants, consuetude or custome, to be null and of none availe, force nor effect, in all time comming. And siclike, our Sovereign Lord and Estates of Parliament, considering, that a short Record of all Comprisings of lands

lands and rents, heritable bands, contracts, reversions, and others, and legals thereof, viz. of the comprisers names and designations, The defenders names, the debt for the which the comprising is used, the lands and others comprised, the Maisters and Clerks names, the times of the denunciations and executions, and witnesses thereto, and date of the comprisings, and of the superiours of the lands comprised, is very necessary for the Lieges their informations: Therefore statutes and ordaines, that all comprisers shall be obliged to bring their comprisings to the clerk of the Bills, within threescore dayes after the date of the comprisings, to the effect that the same may be allowed by the Lords of Councell and Session, At the which time, ordaines the said clerk to the bills, to make a record of the saids comprisings in a book, wherein all comprisings shall be recorded in manner above written: for the which allowance and recording of the said comprising in manner above written, the clerk shall have forty shillings for the whole record of ilk comprising and allowance: And siclike for the extract of ilk record of the saids comprisings that shall be extracted under the said clerk his hands, Our Sovereign Lord and Estates ordaines the summe of twenty shillings for every extract, to be payed to the said clerk of the bills, as due price competent to him therefore, Which summe, the said clerk shall not transcend, under the paines contained in the acts of Parliament.

ACT LV.

ACT DISCHARGING THE LORDS OF Session, to exact twelve pennies for the pound, and all other exactions. 16. November 1641.

 Our Sovereign Lord, with advice and consent of the Estates of Parliament, Considering that the Senators of the Colledge of Justice, are sufficiently provided by His Majesty and Estates, for serving their places without further burden of the Lieges: Therefore His Majesty and Estates foresaids, discharges in all time coming, all sentence silver, twelve pennies of the pound, and other exactions imposed upon sentences and decreets to be pronounced by the saids Judges: And discharges all Acts, Statutes and Ordinances, made for payment thereof: With power alwayes to the saids Judges, to modifie such charges to the parties in whose favours the saids decreets and sentences shall be pronounced, as in equity and conscience they shall think reasonable, and as the malicious and wilfull pleyars, pursuers, or defenders shall deserve.

ACT.

ACT LVI.
ACT ANENT PARDON OF PENALL Statutes. 16. November, 1641.



OUR Sovereign Lord considering, that the precise and rigorous exaction of the paine arbitrary and pecuniall adjected to penall Statutes heretofore made, would prove a burthen to his Majesties Lieges, heaive, and insupportable, if by his Majesties Grace and Favour they should not bee eased and liberate of the same: In consideration whereof, his Majesty being willing to give ease and reliefe to his Subjects of the foresaid burthen, Hath therefore been graciously pleased, with consent of the Estates of Parliament, to discharge freely, pardon and remit, and by these presents discharges freely, pardons, and remitts all contraveeners of any of the said penall Statutes, for all deeds done by them, contrary to the tenour of the same Statutes in time by-gone, Except onely the Statutes concerning the unlawfull taking of usury, transporting of money and gold, slaying of red and blacke fish, with the penalties incurred by the concealers of annuall rents, and wrongous up-givers of the inventars of their money, which are no wayes discharged by this present Act nor comprehended under the same.

ACT LVII.

ACT IN FAVOURS OF ORPHANES, Fatherlesse, and others. 16. November 1641.



OUR Sovereign Lord, with the advice and consent of the Estates of this present Parliament, Understanding many pitifull effects daily found and encreasing, Anent the misery and poverty of Orphanes and Fatherlesse children, to have bene occasioned in this manner, That many ignorant people, the time of the acquiring to them of bands, contracts, and other securities for payment of summes of money, takes the same to them, their heires, executors, and assignes, with clause and condition of payment of annuall rent therefore, during the not payment of the said principall summe, meaning thereby, that the same should no wayes remaine unprofitable during the not payment thereof, And no wayes that the said clause or condition, should make the said summes and securities thereof to pertaine to the heire in prejudice of their baifnes and others nearest of kinne by the heire, whereas by the contrary by the interpretation now observed, all such summes and securities bearing annuall or profit, are exponed to bee heretable after the terme of payment, and to pertain to the heire, so that thereby the rest of the children nearest of kinne, and others having interest, are altogether therefrom secluded, and left pitifully unprovided of any meanes to live on, As also the saids bands and contracts, are very oft fraudfully concealed and abstracted, and never knowne to the true owner thereof, that in due time they might make use of the same, Which is against both equity and conscience, and the intention of the party acquirer of

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the saids securities, whereby great number of orphanes, fatherlesse children and others that are so prejudged of thats due to them, either by their naturall portion or otherwayes adebted, are brought to great poverty, and misery, and forced to become beggars, which is oft found by pitifull experience. For remeed whereof, our said Sovereigne Lord, with advice of the saids Estates, statutes and ordaines, That all contracts, or bands, for summes of money payable to parties, with condition of payment of annuall-rent or profit made at any time hereafter, shalbe holden, and estimate; to pertaine to the bairnes and nearest of kinne to the defunct, except seafing follow thereupon in the life time of the creditor acquirer thereof, or that by the tenour of the band or contract, the samine be conceived to be payable to the heires and assigns, secluding the executors, or otherwaies that the said band or contract bear *per expressum*, oblishment to infest, in either of the which excepted cases ordaines the saids summes to be heretable, and pertaine to the heir, and out with the saids excepted cases, ordaines the said summs to be confirmed by the executor without payment of any quote for the samine. And that to the end the nearest of kinne and others having interest, as said is, be no wayes frustrate of what may be due to them, nor yet the said bands or contracts fraudfully concealed and abstracted from them, every one of them for their owne parts, Providing alwayes that by vertue of this present act, The bands or contracts hereby ordained to pertaine to the nearest of kinne to the defunct, and to be confirmed, shall not fall under the compasse of escheat, nor yet any part thereof pertaine to the relick *jure relicta*, But shall remaine in the owne nature *quo ad fscum et relicta*, as they were before the making of this act.

ACT LVIII

ACT IN FAVOURS OF THE VASSALS Of ward Lands, holding of the King and Prince. 16. November, 1641.

Our Sovereign Lord and Estates of Parliament, Taking to consideration the bounty and benevolence of his Majesties most noble progenitors, King James the 2. and King James the 4. in giving their vassalls Liberty to set their ward lands few, and herewith also remembring that by the 16. act of his Majesties first parliament, anno 1633. his Majesty and the prince his highnes their vassalls of ward lands, are altogether secluded from that benefit of his Majesties bounty and benevolence foresaid, which prejudice is by the 37. act of that session of this present parliament holden in June, 1640. yeeres, recommended to be considered at the next meeting thereafter of the said parliament, and during that *interim* the force and execution of the said act 1633. is suspended and suppressed, And now his Majesty being graciously pleased of his royall favour and bounty that the vassalls of ward lands holding of his sacred Majesty and of the Prince his highnesse, may enjoy their former libertie, with the benefite of his Majestie and his most noble progenitors their bounty and benevolence foresaid, unprejudged or empared by foresaid act, 1633. Therefore our said Sovereigne Lord and Estates of Parliament rescindes

rescinds and annulls the foresaid 16. Act of his Majesties first Parliament, *in anno* 1633. yeeres, intitulate, Anent vassalls holding ward, And declares the samine Act to be null, of none availe, force, strength, nor effect in all time coming, in so farre as the samine Act is, or may bee extended to the lands holden ward of the King or Prince, as said is: And declares the vassalls of the ward lands foresaid, and others his Majesties Lieges and Subjects, to bee in that same estate and condition, and have the same libertie concerning ward lands, which they had before the making of the said Act, and as if the samine had never bene made, Which our said Sovereign Lord & Estates of Parliament declares to be extinct, and of none availe, force, nor effect in all time hereafter.

ACT LIX.

ANENT THE BREADTH OF PLAIDING. 16. November, 1641.

Whereas our Sovereign Lord and Estates presently assembled, understanding that the plaiding of this Kingdom is one of the most ancient & prime commodities thereof, which of late through the inconstancy of the breadth, is likely to become of no estimation a-broade. Therefore our Sovereign Lord, with advice of the said Estates, ordains the makers thereof to make the same of no lesse breadth then of three quarters of an elne, under pain of confiscation of all that shalbe found of a lesser breadth, And farther, understanding that the Lords of his Majesties Councell had, for eschewing of the deceit in making thereof, ordained the same to bee presented in Folds and not in Rols to the market, as it was used of before, Therefore his Majesty, with consent and advice foresaid, ratifies and approves the said Act of Councell, dated at Edinburgh the twentie fourth day of March, 1635. yeeres, in all the heads, clauses, and circumstances thereof, and ordaines the same to takefull execution, and to stand as a law in all time coming.

ACT LX.

ACT IN FAVOURS OF LAICK PATRONES Of Provestries, Prebandries, Chaplandries and Alterages. 16. November 1641.

Our Sovereign Lord and Estates of Parliament, Ratifies and approves the Act of Parliament made by King James the sixt His Majesties Father of eternall memory, Par. 1. cap. 12. anent Provestries, Prebandries, Alterages, Chaplandries and collegiall Kirks, pertaining to laick Patrones, together with the act of Parliament 12. cap. 158. ratifying the samine, and ordaines the said acts to have full force and effect in all time coming, With this declaration alwayes, that in respect the vassalls which

held lands of the saids Provests, Prebanders, and others foresaids, are put to a great uncertainty of their Superiours, it not being knowne to them, who are provided to the saids Provestries, Prebandries, Chaplandries, Alterages, and others foresaids, by reason there is no publike Register, to the which they may have recourse for knowledge and notice thereof, and that the farthest that they can know by any registers, is the infeftments and leasing made to these who are laick Patrons holding of His Majestie: Therefore for securing of the vassals, who hold Lands, Mills, Fishings, Tenements, annual rents of others whatsoever of the saids Provestries, Prebandries of collegiall Kirks, or of Chaplandries, Alterages and others of that nature, at any time of before: It is Statute and ordained that the entry of the saids vassals by retour precept of *clare constat*, resignation, comprying, or other wayes whatsoever, shall pertaine to the laick Patrones and their successours, who stands, infest in the said laick patronages holding immediately of His Majesty, and that the entrie of the vassals by them, shall be als vallid and sufficient to the saids vassals receivers thereof, as if they were entered by the Titulars of the saids Provestries, Prebandries, Alterages, Chaplandries, and others foresaids, and that the said laick Patrons shall be in all time comming in their place as superiour to the said vassals, and to have the same power, to give infeftments to his Majesties Subjects upon retour, or by precept of *clare constat*, or by resignation, comprying, or any other manner of way, with gifts *de novo damus*, and that without consent of persons, provided, or to be provided to the saids Provestries and Prebandries of collegiall Kirks, Alterages, Chaplandries, or others titulars of collegiall Kirks, and also without consent of the chapter or convent of the said Prebandries therof, or most part of the same, which of before was in use and custome, whereanent and anent all acts in the contrair his Majesty with consent foresaid, dispences for ever, reserving alwayes to the titulars of the saids Provestries, Prebandries, Alterages, Chaplandries, and others foresaids, the fruits, rents, and emoluments of the saids Provestries, Prebandries and others foresaids, which are no wayes prejudged by this present Act.

It is hereby farther statute and ordained, where there is any Prebandries, Chaplandries, Alterages, or others foundations of that nature above mentioned, founded and situate within any burgh royall of this Kingdome, that the Provest, Bayliffes, and Councill of that Burgh where the same are founded, are and shall be in all time comming only indoubted Superiours, by whom, and by no others, the vassals and tenants, enter in manner above specified, the Provest and Bayliffes being alwayes Patrons.

ACT.

ACT LXI.
ACT DISCHARGING QUOTES OF Testaments. 16. November 1641.

OUR Sovereign Lord, with advice and consent of the Estates of Parliament, taking to consideration the great burden, hurt, and prejudice his Majesties lieges have sustained thir many years by-gone, by exacting of great quote the time of the confirmation of the de-functs Testaments, to the wasting and consuming of the means and estates of Minors in speciall, and to the generall grievance of persons of all sorts: Therefore our Sovereign Lord, with consent foresaid, out of his Highnesse gracious care, and fatherly affection to the weal and ease of all his Majesties subjects, statutes and ordains, that no quote shall hereafter be payd by any of his Majesties subjects, for any Testament of whatsoever qualitie, to be confirmed by them: And for that effect discharges all Commissars, Commissars Clerks, Fischals, and others whom it effeirs, not to exact nor uplift any quote, for whatsoever Testament to be confirmed hereafter, the party confirmer paying allanerly the other ordinar dues as appertaine.

ACT LXII.
COMMISSION FOR REGULATING OF Commissariates. 16. November, 1641.

Our Sovereign Lord, with advice and consent of the Estates of Parliament, hath given and granted, and by the tenour hereof gives and grants full power and Commission to these persons, who shall be nominate by the Lords of secret Councill, to whom his Majesty and Estates of Parliament remits and refers the nomination of the Commissioners to the effect after specified, or any five of the saids Commissioners, to be nominate by the saids Lords of Secret Councill, as said is, for ordering the Commissars jurisdiction, and clearing the bounds and limits thereof, that there be no occasion of question betwixt them and other inferiour Judges, with power to the saids Commissioners to regulate their judicatories, and set down prices upon the Seales, Testaments, Summonds, Acts, Decreets, and all other Writs concerning that Office, to be taken by Commissars, their Clerk, or Procutor Fischall, all quotes of Testaments being specially discharged to be exacted in any time comming, and to settle and establish the fees of the Commissars of Edinburgh: and for that effect to meet and convene at Edinburgh the day of with power to them to appoint diets as oft as they shall think fit, untill the said Commission take effect anent the particulars foresaid: And whatsoever the saids Commissioners, or their *Quorum*, shall determine and conclude thereanent, our Sovereign Lord, with advice foresaid, ratifies and approves, and ordains the same to have the strength, force, and authoritie of an Act of Parliament.

N 3

ACT

ACT LXIII.
ACT DISCHARGING MONOPOLIES.
16. November 1641.



U R. Sovereign Lord and Estates of Parliament, considering the great hurt and prejudice sustained by sundry his Majesties lieges, by the Monopolies used and exacted within this Kingdome, and which have bene conferred to the use of any particular person or persons, to the great hurt and prejudice of others his Majesties lieges, and specially the gift for selling Tobaceo, granted to Sir James Lesley, and Thomas Dalmahoy, the Patent of the Lether granted to the Earle of Marre, the Patent of Pearling granted to Barnatine, the Patent of Pearle granted to Robert Buchane, the Patent of Armorie granted to Harrie Mauld, Therefore our Sovereign Lord and Estates of Parliament, by the tenour hereof annuls, rescinds, and simply discharges the particular gifts foresaids, granted to the persons above written, and all that may follow, or hath followed thereupon, And ordains the same and all other Patents of that nature, purchast or to be purchast for the benefit of particular persons, in prejudice of the publick, to cease and be ineffectuall in all time comming.

ACT LXIV.
COMMISSION FOR MANUFACTORIES.
16. November 1641.



U R. Sovereign Lord and Estates of Parliament, considering how necessary, expedient, and profitable the erecting and maintaining of Manufactories will be for this kingdome, as well in keeping great quantities of money within the same, which is now daily exported for wrought commodities, as in setting poore ones on worke, restraining of idle beggars, increase of vertue, and bringing of moneyes into the Countrey: And this being a matter of so great goodnesse, wished by every man, and oft times aymed at, to be brought to some perfection, as withesse many severall acts of Parliament, acts of Convention and Councell, especially King James the sixth his seventh Parliament, cap. 113. Item King James 6. his 15. Parliament, cap. 250. and 252. Item the acts of Councell; May 1597. July 1600. November 1601. December 1601. May 1612. Octob. 1614. August 1616. July 1620. Feb. 1623. July 1623. Item the acts of Convention, June 1605. November 1625. August 1626.

yet

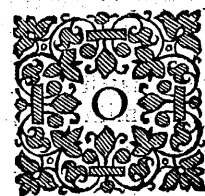
yet the famine hath not as yet made any considerable progresse, for want of cherishing, entertainment, and right order for prosecution thereof: In consideration whereof, His Majesty and Estates of Parliament, being resolved to use all ordinar meanes for erecting, cherishing, and maintaining of Manufactories within this Kingdome, And His Majesty, with advice and consent foresaid, being graciously pleased to grant all Liberties, Priviledges and Immunities to the erectors thereof, Therefore His Majesty and Estates foresaid, gives, grants, and commits to these persons, or Quorum thereof, who shall be nominate by the Lords of secret Councell; (to whom the Kings Majesty and Parliament hereby gives the nomination of the saids Commissioners, and Quorum thereof foresaid, to the effect after specified,) full power, warrant and commission, to meet and convene at Edinburgh, or any other place or places, at such dayes and times they or the said Quorum shall think fitting, and there to consult, advise and determine upon the best rules, overtures and propositions, and wayes for erecting and maintaining of the saids manufactories of all forts: With power to them, or the said Quorum, To call and convene before and with them, any person or persons who can give them information or assistance in the saids businesse: As also with power to them, or their said Quorum, to appoint correction houses in such parts of the Kingdome, as they shall think most conduceable for the good of the saids Manufactories, and restraint of idle and masterlesse beggars: As also with power to them to prescribe rules and wayes for assisting, supplying, and maintaining of these who have already, or shall, during the time of this Commission, erect and entertaine any of the saids Manufactories, and to direct letters against masterlesse people, and their receptars, as well to burgh as landward, commanding them to worke at such reasonable rates, as the said Commissioners, or Quorum thereof, shall appoint: With power likewise to them to make Corporations, and to grant them priviledges, conforme to the lawes of the Kingdome. And sicklike, his Majesty, with advice foresaid, out of his gracious favour and bountie, doth hereby, for the better encouragement to all these who have undertaken, or shall undertake the erecting and maintaining of the saids Manufactories, or any one thereof, gives and grants to them the priviledges and immunities following, viz. all Spanish and forraigne fine wool, for making of fine cloth, shall be custome free: Item, all lister ware, oyle, and others necessaries for the use of the saids workes allanerly, shall be free of all Customes and Impost: Item, all parcels of cloth, Seyes, and others, made by any who have erected, or shall erect any of the saids works, shall be Custome and Impost free for the space of fifteene yeares after the erecting thereof: Item, the workers of the saids works erected, or to be erected, shall be free of any taxation or imposition to be imposed on the Kingdome for any occasion by-gone or to come: Item, it shall not bee leasome to any in the Kingdome to hire, reservey, or entertain any of the servants of the said works, without consent of the Masters thereof.

ACT

ACT LXV.

COMMISSION BY THE KING AND
Parliament, to the Lords of secret Councell.

16. November, 1641.



Ur Sovereign Lord, with advice and consent of the Estates of Parliament, Considering that his Majestie being now actually present in his royall person in this his native and ancient Kingdom, and willing before his returne to England (where his Majesties more ordinar residence hath been heretofore, and will apparently be in time coming) to leave behind him such a pledge and testimony of his tender respect, royall care, and fatherly affection for establishing the good and happie government of this his Majesties ancient Kingdome, as in some measure may supply the want of his royall presence amongst them, Hath to this effect, out of his native goodnesse, condescended to an Act made in this present Session of Parliament with consent of the Estates, whereby his Majesty for himselfe and his Successours, hath willed, enacted, and ordained, that now and in all time coming, the Officers of State, Lords of secret Councell, and Lords of Session, on whose care, wisdom, and fidelity in their severall judicatories (which next unto the supreme Court of Parliament are the chiefe and principall judicatories) depends the weal and happinesse of the government, shall be chosen now and in all time coming, by His Majesty and his Successours, with advice and approbation of the Estates of Parliament when they are sitting, and for the *interim*, with advice of the Lords of secret Councell and Session *respective*, as in the said Act of Parliament at more length is contained: Therefore His Majesty hath, with speciall advice and approbation of the saids Estates, nominated, elected and chosen the persons after following, Lord Loudoun Chancellour, Duke of Lennox, Marquesse of Hamilton, Earle of Argyle, Earle Marshall, Earle of Sutherland, Earle of Mar, Earle of Mortoun, Earle of Eglintoun, Earle of Castils, Earle of Glencairn, Earle of Murray, Earle of Perth, Earle of Dumfermling, Earle of Wigtoun, Earle of Kinghorne, Earle of Roxburgh, Earle of Sea-forth, Earle of Lauderdale, Earle of Lothian, Earle of Kinnowl, Earle of Southesk, Earle of Weymes, Earle of Dalhousie, Earle of Finlater, Earle of Lanerk, Earle of Levin, Lord Angus, Lord Lindesay, Lord Yester, Lord Sinclair, Lord Elphinstoun, Lord Balmerino, Lord Burghlie, Lord Almond, Lord Balcarras, Clerk Register, Advocate, Justice Clerk, Thefaurer Depute, Master of Requests, Sir Robert Gordoun, Sir William Douglas, Sir Patrike Hepburne, Lord Dundas, Lord Fintrie, Lord Cambo, Lord Dun, Lord Innes, Lord Morphie, The Provost of Edinburgh for the time being, and thir supernumerarie Councillors English, *viz.* Earle of Arundall, Earle of Pembroke, Earle of Salisbury, Earle of Holland, To whom, or any nine of them, by these

these supernumerary above named, His Majesty with advice and consent of the said Estates hath committed, and commits the administration and government of this his Majesties native Kingdom in all affaires concerning the peace, good, and happinesse thereof, which by the Lawes and Custome of this Kingdome, pertaines to the judgement, cognition, and determination of his Majesties privie Councell, with power to them, or any nine of them, as said is, to meet and convene at the place appoynted for the ordinar residence of his Majesties privie Councell within the burgh of Edinburgh, or at any other place or places; which by common consent in case of any necessity or urgent occasion thereof, shall bee found most fit and convenient, and there to advise, consult, deliberate, conclude, decerne, and determine upon all and sundry affaires, purposes, and actions, which may concerne the good and peace of the Kingdome, according to the Lawes and Acts of Parliament established, or to bee established within the same, and to heare, decide, and determine upon all causes and actions betwixt Subject and Subject proper to bee decided by the Lords of his Majesties privie Councell, and that none bee present at their meetings but such as are of the privie Councell, with the clerke of the privie Councell, whom his Majesty with advice foresaid continues in his place as of before: His Majesty with advice and consent foresaid hath likewise given and granted, and by the tenor hereof gives and grants full power and Commission to the said Councell and every one of them upon any interveining occasion of disorder or trouble in such parts of the Countrey, where they shall remaine for the time, To command and charge the person or persons committers of such disorders to observe and keepe his Majesties peace, and to charge the contraveeners thereof to enter their persons in ward, in such part or places, or within such a short space, as the said Councillour shall think meet, there to remaine till order bee taken by a full number of the Councell in the matter wherein they have offended, Providing alwayes he be comptable to his Majesty and the rest of the Councell, and that no just cause of complaint be heard against him: And if the person or persons so charged to ward, shall happen to disobey and contemn the charge, his Majesty with advice and consent of the saids Estates declares, that upon report thereof to the Councell, a pecuniall summe shall be imposed upon the offender, according to the quality of his person and nature of his offence, and the Councell is to cause apprehend the offenders, and commit them to ward, with power likewise to the said Councell to make and set downe Acts and Ordinances for government of the Kingdome, and suppressing of disorders within the same, With power likewise to the said Councell, to give and appoynt Assessors to the Justice generall and his Deputies in case of necessity, and to give warrant to the said Justice, his Deputies, and Assessors, for continuing execution after conviction, or for mitigating the punishment of the Law in criminall causes, if the nature and quality of the crimes shall require, & to grant Commissions of Justiciarie in matters criminall, & other Commissions in matters concerning the weale of the Kingdome, and als with power to them to give warrant to the said Justice generall, his Deputies and others Commissioners foresaid, for imposing

imponing of fines or pecuniall summes upon the crimes of Adultery, bearing and wearing of Hagbuts and Pistols, usury, and such other transgressours of the acts of Parliament, where the punishment by the Law is inflicted upon body or goods, or left to the arbitrament of the Judge: And likewise with power to them, to grant exemptions from hostes, raids, assises and licences, for departing out of the Kingdome, according to the conditions contained in the act of Parliament: And also with power to the said Councell, in case an open and avowed rebellion shall happen to be raised within the said Kingdome, which cannot be redressed but by force, To give commission of Lieutenancie and Justiciarie for repressing of the said rebellion, and to direct charges to such parts of the countrey as they shall think fit for concurrence to be given in execution of the said commission, and to give order and direction to furnish and advance the summes of money that shall be requisite in such expeditions: With power likewise to the said Councell to raise the Session upon any intervening occasion of necessity, and to appoint times and places of their downe sitting: And generally, with power to the said Councell, to do, use and execute all and everything, which the Councell of the said Kingdome did, or might have done the time of his Majesties late Father: Providing alwayes like as his Majesty expressly provides, with advice and consent foresaid, that this Commission shall no wayes be prejudiciall to the commission of Exchequer: And it is declared that any nine of the said Councell shall be a sufficient number and make a Session, providing the Lord Chancellour be one of the nine: and in case of the absence of the said Lord Chancellour, it is declared that it shall be lawfull to any nine or more of the Councell convened in the ordinary place, and at the indicted time of meeting, to choose one of the number convened, who shall preside at the meeting als oft as the Lord Chancellour shall be absent. And his Majesty and Estates, considering that the often absence of the most part of the Councell, and their not attendance upon the charge and trust concreded unto them, will be a great impediment and hinderance to his Majesties service, Therefore his Majesty, with advice foresaid, declares, that it is his speciall pleasure and command, that the Lord Chancellour, or President of the Councell, to be elected as said is, doe see and provide that the Councell be frequent, specially in great and weighty matters of Estate: And if upon occasion that requires the number of the Councell to be more full then the said *Quorum*, the Lord Chancellour, or President to be elected in manner foresaid, shall write to such others of the Councell as they think fit to be present, and give their attendance: In which case, if any disobey, without a licence obtained from his Majesty, or the *Quorum* of the Councell, or without some reasonable cause (either of which shall excuse their absence) then and in that case his Majesty, with advice foresaid, wils, that the absent shall be censured by the said Councell, as a neglecter of his Majesties service, and that his Majesty be advertised thereof. And it is declared, that if any of the saids Councellours places vaiks by decease, dimission, or deprivation, that his Majesty in the *interim* shall nominate another

of the same degree and quality in the vacant place, with advice of the most part of the Lords of Privie Councell, they being all present at the said election, at the least lawfully warned to that effect, upon fiftene dayes warning, conforme to the Act of Parliament made thereanent: Which election made in the *interim*, as said is, shall be allowed or disallowed by his Majestie, with consent of the Estates in the next ensuing Parliament, as they shall think expedient. And als his Majesty, with consent of the saids Estates, gives power to the saids Lords of Secret Councell, or any nine of them, as said is, to set down such rules and orders for their meetings and attendance, and spaces and times thereof, as they shall resolve, appoint, and ordaine amongst themselves: And wils and declares, that the saids Lords of Secret Councell, now nominate, as said is, and these who shall be surrogate in their places in the *interim*, in manner foresaid, shall have, bruike, and enjoy their places *ad vitam vel ad culpam*, and shall be liable to the censure of his Majesty and the Estates of Parliament, anent their proceedings therein, firme and stable, holding whatever by the saids Lords, or any nine of them, as said is, shall be lawfully done in the premisses: And decernes and ordaines all his Majesties lieges and subjects to reverence, acknowledge and obey the saids Lords of his Majesties councell in all things concerning the charge and trust committed to them, as said is, under all highest paine and charge which after may follow: And this Commission to indure to the next Parliament and longer, ay and while the same be expressly discharged.

ACT LXVI.
 ACT DISCHARGING THE CUSTOME
 Of two and an halfe of the hundred, and the Impost of foure pounds on the Tunne.
 17. November 1641.



OUR Sovereign Lord and Estates of Parliament, considering that the prices of all Merchandize doe daily rise to exceeding great dearths, which is alledged to bee occasioned through extraordinary Customes and Impositions: For remeed whereof his Majesty, with advice and consent of his saids Estates, doth discharge all and sundry whatsoever Customes and Impositions exacted by the Customers, which are not allowed and approved by the Acts of Parliament, and especially the late Custome of two and an halfe *per Centum*, and late new Imposition of foure pound upon the Tunne of wine, and all raising of his Majesties Customes, directly or indirectly, without consent of Parliament. And because that the too much troubling of Merchant estate, and drawing of Masters and Mariners from their ordinary charges, doth much impede the trade: Therefore his Majesty, with advice and consent foresaid,

156 THE SECOND PARLIAMENT Act 67.
 said, discharges the taking of Merchants, Masters, and Mariners oaths in the matter of Customs: and to the end that the subject of trade may not be restrained with unnecessary customs, therefore his Majesty, with consent foresaid, declares, that all goods and Merchandize imported from forraine places to this kingdome and out, paying inward Custome, shall be free of all outward Custome, according as is used in England and Ireland. Like as his Majestie declares, that he conferred to the Act above written upon this condition, that commission and warrant be granted to the Exchequer to establish the Booke of Rates according as the prices of merchandize now rules, and his Majesty permitted the option to the Burrowes: Whereupon the Burrowes having advised, they made choice to be ruled by the Booke of Rates ament the Customs, and consented that Commission should be granted to the Exchequer to establish the Booke of Rates, according as the prices of Merchandize now rules: In respect whereof, our Sovereigne Lord and Estates of Parliament ordaine a Commission to be drawne up to the Exchequer to the effect foresaid, and extracted thereupon, for establishing the Booke of Rates, according as the prices of Merchandize now rules. And therefore our said Sovereigne Lord and Estates of Parliament, ordaines the Act above mentioned to stand as a law in manner, and to the effect before rehearsed.

ACT LXVII.

ACT IN FAVOURS OF MINORS ANENT
 The duties of the lands comprised from them.
 17. November 1641.

OUR Sovereigne Lord, with advice of Estates of Parliament, ratifies and approves the Act of Parliament made in August 1621. cap. 6. in so farre as the same concerne Minors, and declares, that the true meaning thereof was and is, that Minors, having right to the legall reversion, should be no further obliged, than during their minoritie of 21 yeares of age, but allanerly for the annuall rent of the summes contained in the comprisings, and that they tyne not the right of the superplus of the mailes and duties of the lands, so farre as the same exceeds the said annuall rents induring their said minoritie.

ACT.

ACT LXVIII.

ACT ORDAINING THE COMMISSONERS
 For the Thesaurarie. 17. November 1641.



OUR Sovereigne Lord, Considering that His Majesty was lately pleased to condescend to the humble desire of His Majesties Estates of Parliament, to nominate by their advice and approbation, His Officers of Estate, of whom his Majesties high Thesaurer is one, And that His Majesty for the present is not resolved upon the nomination of any particular person, to enjoy the said place, but hath with advice of the saids Estates, taken present course to supply the want of a principall Thesaurer, by a Committee, Therefore His Majesty with consent of the saids Estates, makes, nominates and constitutes, *John Earle of Loudoun*, High Chancellor of this Kingdome, *Archbald Earle of Argyle*, Lord Campbell and Lorne, *William Earle of Glencairne* Lord Kilmars, *John Lord Lindesay of Struther*, and Sir *James Carmichael* of that ilk Knight, Thesaurer Depute, his Majesties Commiffioners to the effect under-written: And gives and grants to them or any three of them, the full place and power of His Majesties high Thesaurer, Comptroller, Collector and Thesaurer of his Majesties new augmentations, with all liberties, priviledges, immunities, benefits and emoluments whatsoever pertaining to the said place of high Treasurer, Comptroller, Collector and Thesaurer of his Majesties new augmentations, and that in as ample manner and quality, as the same was in the Persons of any of His Majesties high Thesaurers, in any time of before: With power to them, or any three of them, to uplift, gather, and intromet with all and sundry His Majesties rents, revenewes, customs, imposts, casualities, commodities, duties, and others whatsoever, any wayes belonging to his Majesty within this Kingdome, or to his Majesties dearest Sonne the Prince, and that of all yeares and termes by-gone, and yearely in time comming, and with power to them, or any three of them, with advice of the remanent Commiffioners of Exchequer, contained in his Majesties Commission under the great Seale, and according to the tenour thereof, to compose, passe and subscribe signators, gifts, confirmations, escheats, life-rents, remissions, tutories, gifts by forfeiture, recognition, wards, marriages, reliefe, non-entresses, legittimations, presentations, rakes, rentals, licences, dispensations and others dispositions, writs and securities whatsoever, pertaining to the saids Offices, or any of them, or to the power and priviledges thereof, but prejudice alwayes to the said Sir *James Carmichael* Thesaurer Depute, of his gifts of the office of Thesaurary Depute, whole liberties, power and priviledges therein contained, which are holden, as herein exprest, but adding or paring
 O to

158 THE SECOND PARLIAMENT Act 69
 to him in the point of receiving, and without derogation in any fort
 to this present act and commission : And it is declared that the yearly
 fees and other casualities due to his Majesties principall Thesaurer, and
 especially the summe of foure thousand pounds scots money shall bee
 divided equally amongst the saids first foure of the said commissioners
 by the said Thesaurer Depute, who hath right to his owne fee and
 casualities, by vertue of his gifts granted to him thereupon, And His
 Majesty with consent foresaid, ordains the Lords of His Majesties Pri-
 vie Councell, Session or Exchequer, to grant and direct letters at the in-
 stance of the saids Commissioners, for answering and obeying them,
 their chalmerlands, under receivers and officers of all and sundry of His
 Majesties rents, casualities, cultomes, imposts and duties belonging to
 the said office, and that enduring the time of this present Commission
 which shall endure to the next Parliament.

ACT LXIX.

ACT ANENT RESTITUTION OF HORSE
 And Armes, to the Owners, out-putters thereof.
 17. November 1641.

OUR Sovereign Lord and Estates of Parliament, Con-
 sidering that diverse Souldiers, aswell foot as horse,
 who were employed, reiked out & sent forth with the
 Armies and Regiments levied during the time of the
 late troubles, Having at their going forth and out-
 reiking, received troupe-horses, arms, ammunition, hor-
 ses, and baggage horses from the heritors of lands and
 others who did reik and send them forth, and that the saids Souldiers
 keepers up, and withholders, or have put away the saids horses and
 armes intrusted to them from the owners thereof: Therefore Our said
 Sovereign Lord and Estates of Parliament, doe hereby grant full
 power and warrant to the Committee appointed from the Parliament
 for regulating and settling of the common burdens and debts of the
 Kingdome, and to all other Judges ordinair, aswell to Burgh as Land
 within this Kingdome, within whose bounds any such persons dwell,
 or can be found, who have keeped or detained either horses or armes;
 That the saids Judges do forthwith upon complaint of the partie,
 owner of the saids horses and armes, call the receivers and detainers or
 out-putters of them, before them, and to discern and ordain them to
 deliver the saids horses and armes, to the saids owners or the prices of
 same, their receipt of them being lawfully proven: And with power to
 the saids judges, to do every thing as lawfull and necessair, anent the
 premises agreeable to Justice, and the Lawes of the Country.

ACT:

ACT LXX.

ACT SALVO JURE CUMS LIBET.
 17. November, 1641.



OUR Sovereign Lord and Estates
 of Parliament, Considering that
 in the present Parliament there are
 many particular Acts, and Acts of
 ratifications made in favours of par-
 ticular persons, which may be pre-
 judiciall to parties having intrest,
 and nor heard, albeit the meaning
 of the Estates be at this time, as it
 was ever in all preceding Parlia-
 ments, That by no particular Act,
 or Act of ratification granted to
 any particular person, any other
 parties should bee hurt or pre-
 judged of their lawfull rights and defences, competent to them of
 the Law: For remeed whereof, it is statute and ordained, that no
 ratification, nor other particular Act whatsoever, made in favours
 of any particular person, in this present Parliament, be prejudiciall
 to any other parties rights or defences competent to them of the law:
 But that the saids particular Acts, and Acts of Ratification made in
 favours of particular persons, be always understood *salvo jure cu-
 juslibet.*

ACT LXXI.

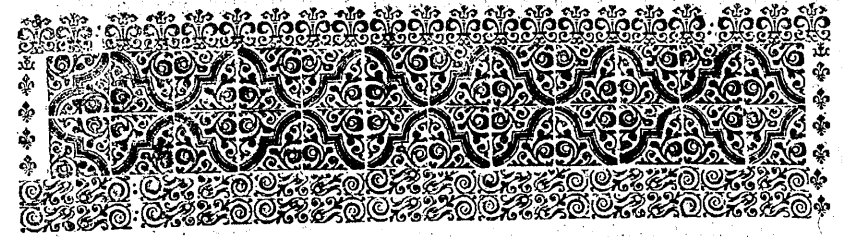
ACT APPOINTING THE NEXT PAR-
 liament to convene the first Tuesday of June 1644.
 17. November 1641.

OUR Sovereign Lord and Estates of Parliament,
 Considering that forsomeikle as by the Act of Par-
 liament made in the Session of this present Parlia-
 ment holden at Edinburgh in June 1640. anent tri-
 enniall Parliaments: It is statute and ordained, that
 before the closure of every Parliament, the day of
 the next subsequent Parliament shall be condescen-
 ded upon. And because this present Parliament is this day, by the as-
 sistance of God Almighty, and his Majesties great wisedome, to be

O 2 brought

160 THE SECOND PARLIAMENT, &c. Act 71.
 brought to an happy conclusion: Therefore his Majesty and Estates
 forefaids, appoint and ordaine the first Tuesday of the moneth of June
 in Anno 1644. yeares, to be the day of meeting and conveening of the
 next trienniall Parliament, But prejudice alwayes to his Majesty to
 appoint any diers of Parliament betwixt and that day, as his Majesty
 shall think fitting: And ordaines all the Members of Parliament to
 meet and conveene at Edinburgh the said first Tuesday of June 1644.
 and all other persons interess'd, without any other or farther warning
 and premonition to be made for that effect: declaring hereby, that the
 publication of this Act, with the rest of the Acts of this present Ses-
 sion, shall be als sufficient for meeting and conveening of the whole
 Members of Parliament, as if all former solemnities were used, where-
 anent his Majesty and Estates hereby dispenses.

FINIS.



A TABLE OF THE PRINTED
 ACTS DONE IN THE SESSION
 Of the second Parliament of our Sovereign Lord
 King CHARLES. &c.

Holden at EDINBURGH upon the eleventh day of June 1640.
 And in what Leafe and Page the same is to be found.

- 1 Act anent the choosing of Robert Lord Burghly, to be President
 in this Court and Session of Parliament, in respect of the absence
 of the Kings Commissioner. pag. 3.
- 2 Act anent the constitution of the Parliament, and all subsequent
 Parliaments. 4.
- 3 Act anent the choosing of Committees out of each Estate. 5.
- 4 Act anent the ratification of the acts of the assembly. 6.
- 5 Act anent the ratification of the Covenant, and of the Assemblies Suppli-
 cation, act of Councell, and act of Assembly concerning the Covenant. 9.
- 6 Act Recissorie. 20.
- 7 Act for planting of Kirks unprovided with Ministers through the Pa-
 trons default. 22.
- 8 Act anent admission of Ministers to Kirks which belonged to Bishopricks. ib.
- 9 Act discharging the going of Salt-pans and Mills on the Sunday. 24.
- 10 Act discharging Salmond fishing on the Sunday. ibid.
- 11 Act against Papists. 25.
- 12 Act discharging Zule vacance, and appointing the Session to sit down the
 first day of November, and rise the last of February, and thereafter
 to sit down the first of June, and rise the last of July yearly. 26.
- 13 Act discharging the Munday Market in Edinburgh; Jedburgh,
 Drumfreis, Brechin, and Glasgow. 27.
- 14 Act for taking order with the abuses committed on the Sunday by the
 confluence of people for hiring of Sheavers. 28.
- 15 Act for directing Letters of Horning and Caption by the Lords of Session
 against excommunicate Prelates, and all other excommunicate persons. 29.
- 16 Act anent the large Declaration or Manifesto. ibid.
- 17 Act Statutarie appointing Parliaments to be holden once every three
 yeare. 30.
- 18 Act anent the keepers of the Castles of Edinburgh; Striviling, and
 Dumbartane. ibid.
- 19 Act anent the Production of the Registers, and Records of Parliament
 to the first Session of each Parliament. 31.

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- 20. Act discharging all Proxies to be admitted in Parliament, and that no forraine Noblemen shall have place and voice in Parliament, unlesse they have ten thousand marks of land-rent within this Kingdome. 32.
- 21. Act discharging the granting of Protections by the Lords of Councell and Exchequer. 33.
- 22. Act anent the Exchequer, declaring the same, to be onely Judges to matters concerning the managing of the Kings rents and casualties. 34.
- 23. Act in favours of those who held their lands of Archbishops, Bishops, or of their chapters. 35.
- 24. Act anent Vassals of erections, that they be not subject in double payment, nor the Superiours defrauded of their few duties. 36.
- 25. Act appointing all grievances to be given in plaine Parliament. 37.
- 26. Act for suppressing the distinction of spirituall and temporall Lords of Session. 37.
- 27. Act against liesing-makers, of whatsoever qualitie, office, place or dignity. 38.
- 28. Act annulling all unlawfull and unjust Proclamations made under the pain of treason, against the disobeyers. 39.
- 29. Act explaining the preceding Acts of Parliament made against Bands and Conventions amongst the Subjects: as also declaring the Bands and Conventions made and keepest since the beginning of the present troubles to be legall and lawfull. 39.
- 30. Act anent the ward and marriage of these who shall happen to be killed in the defence of the Religion, and liberties of Kirk and Kingdome. 40.
- 31. Act ratifying the act of the Lords of Session, made for supplying of the absence of the Signet, and discharging the transporting thereof, or any other Seale in time comming. 41.
- 32. Act discharging all custome of Ammunition brought home to the Lieges, to their owne use, for defence of Religion, and liberties of Kirk and Kingdome. 41.
- 33. Act for the Committees of Estates. 43.
- 34. Act anent the common reliefe. 43.
- 35. Act ordaining Summonds to be direct, and execute against the persons who are culpable of the crimes and faults, contained in the Act, to compare before the next Session of Parliament. 48.
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- 37. Act appointing the fees for the Procuratour, the Clerk and Agent for the Kirk. 53.
- 38. Act ordaining the whole Subjects and Lieges of this Kingdome to obey, maintain and defend the Conclusions, Acts and constitutions of this present Session of Parliament, and to subscribe the band appointed for that effect. 54.
- 39. Act declaring the Parliament current and continuing the same while the nineteenth day of November next. 55.

A TABLE



A TABLE OF THE PRINTED ACTS WHICH WERE DONE IN THIS

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49 Act anent presenting and docqueting of signators, letters, and others. 139

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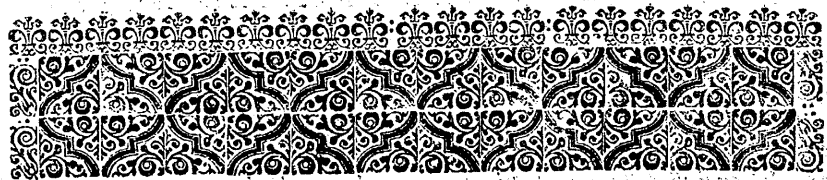
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1. Declaration by the Estates of Parliament premitted by them to thir acts and proceedings made in that session of Parliameht holden 11. of *June* 1640.
2. Act in favours of the Lady Loudoun and her children, 11. of *June* 1640.
3. Act and declaration anent the closure of that Session of Parliament 11. of *June* 1640.
4. Ratification of Generall *Lesleys* Commission to be Generall.
5. Act approving his proceedings as Generall, in anno 1639.
6. Ratification of Colonell *Hammiltouns* commission to be Generall of the Artilerie.
7. Ratification of Generall Major *Baily* his commissiion.
8. Ratification of Generall Major *Munros* gift.
9. Ratification of the Generall Commissars gift.
10. Act against the Keepers of the Castle of Dumbartan,
11. Act against the Keepers of the Castle of Thrave.
12. Decreet of forfeiture against Generall *Ruthven*, and others therein contained.
13. Reference in favours of *Robert Scot* of Dryhoip to the Committee of Estates.
14. Reference Laird of Kinhilt to the Committee of Estates.
15. Reference for *James Arnot* to the Committee of Estates.
16. Reference for Master *William Cunnyngnam* to the Committee of Estates.
17. Protestation by *William Dick* Provest of Edinburgh anent the custome of ammunition.
18. Reference in favours of Sir *John Hammiltoun* of Reidhouse to the Committee of Estates.
19. Instrument and protestation for the *Queenes-ferrie*.
20. Declaration of the Estates anent the Earle of *Glencairne* his sitting and voycing in this session of Parliament.
21. Articles for ordering the house of Parliament.
22. Act to the Kings Advocate and Procutors for the Estate, for raising summonds against the Earle of *Montrose*, Lord *Naper*, Lairds of *Keir* and *Blakhall*.
23. Commission for concluding and subscribing the treatie at London.
24. Supplica-

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24. Supplications Constable of Scotland and Towne of Edinburgh, with the Parliaments deliverance thereupon.
25. Declaration of the Assembly anent a Band subscribed by some Noblemen, which is now cancelled.
26. Warrant for the Kings Advocate his in-coming to the Parliament house.
27. Ratification of the act of Exchequer for reliefe of these who are bound for the 100000. marks therein contained.
28. Act in favours of the Laird of *Lochend*, for entring of him to his Lands *gratis*.
29. Act in favours of Sir *William Dik* against Laird *Aickin*.
30. Protestation by the Kings Advocate anent his place, liberties and priviledges.
31. Declaration by the Parliament anent the Kings Manifest concerning the Prince Elector Palatine.
32. Act and warrant for publishing and printing of the Acts made in June 1640.
33. Act and warrant for causing print his Majesties Manifest anent the Prince Elector, with the Parliaments approbation and remonstrance thereupon to the King, with the Kings answer.
34. Act in favours of the Prince Elector for restraint of Levies and recrus of Souldiers.
35. Ratification of the profession of Theologie in the Univerfitie of Glasgow.
36. Commission for the accompts of the three Regiments, *viz.* Lord *Sinclair*, *Munro* and *Cochrane*.
37. Act of approbation and exoneration in favours of the Lord *Lou-doun*.
38. Act of exoneration and approbation Earle of *Roths*.
39. Act of approbation and exoneration Earle of *Dumfermling*.
40. Act of exoneration Master *Robert Barclay*.
41. Act of exoneration *Adam Blair*.
42. Act of approbation and exoneration Sir *John Smith*.
43. Act of approbation and exoneration Sir *Archbald Johnston*.
44. Act of approbation and exoneration Laird of *Wauchtoun*.
45. Act of approbation and exoneration Sheriffe of *Teviot-dail*.
46. Act of approbation and exoneration Laird of *Riccardtoun Drummond*.
47. Act of approbation and exoneration Master *Alexander Wedderburne*.
48. Act of approbation and exoneration *Hugh Kennedye*.
49. Commission for tryall of *Helene Moyles* anent the murder of her Bairn.
50. Act of approbation and exoneration Master *Alexander Henderson*.
51. Act anent Master *Alexander Pitcarne* and the Laird of *Ogill Ramsay*.
52. Declaration

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- 52 Declaration by the Lord Ker concerning the Marquesse of Hamiltoun.
- 53 Act and declaration by the King and Parliament in favours of the Marquesse of Hamiltoun.
- 54 Exoneration to the Marques of Hammiltoun anent his keeping and delivering of the great Seal.
- 55 Act of exoneration and approbation in favours of the Lord *Amont*.
- 56 Commission for hearing the Generall Commissars accompts.
- 57 Act in favours of Bannatyne of Kames, reponing him against the Commissars decret.
- 58 Ratification and election of the new Kirk of Kilmarnock.
- 59 Commission by the King and Parliament to the Committee for triall of the late incident concerning the Marques of Hammiltoun, and the Earl of Argyle.
- 60 Ratification and act in favours of the School-master of Megle.
- 61 Commission to the Lord *Almond* and his Bayliff anent the triall of *John Fervie*.
- 62 Act in favours of Lieutenant Generall King.
- 63 Act and ratification to the Univeritie of Saint Andrews of the rents of the Priorie and Bishoprick of Saint Andrews.
- 64 Act in favours of the Burgh of Dornoch anent the change of their Faire.
- 65 Act rescinding generall *Ruthvens* forfeiture.
- 66 Orders of the Parliament concerning the Irish businesse, with a warrant to the secret Councell to give instructions to the Commissioners for the remainder of the Treatie.
- 67 Act in favours of the Prince Elector Palatine anent ten thousand men to be sent to Germanie.
- 68 Act and warrant in favours of the Earl of *Rothes* and others, for letters of reprisall against the Hamburgers.
- 69 Commission for tryall of the murther of *Isabel Drymmie*.
- 70 Ratification, exoneration and approbation in favours of the Marquesse of Argyle.
- 71 Warrant for putting Lieutenant Colonell *John Munro* to libertie.
- 72 Warrant to the Earle of *Crafford* for his enlargement.
- 73 Warrant for putting *M. John Guthrie* to libertie.
- 74 Warrant to *sir Robert Spottiswood* and *Sir John Hay* for their libertie.
- 75 Commission for visitation of the Colledge of Saint Andrews.
- 76 Act in favours of the Burrows, ratifying the act of the Committee for the reliefe of the gilders therein mentioned.
- 77 Act in favours of the Burgh of Glasgow anent their libertie to nominate and elect their Magistrates.
- 78 Act for re-calling the Marquesse of Hamiltoun and Marquesse of Argyle to the Parliament.
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- 81 Act to the Earle of Montrose, Lord Naper, Lairds of Keir and Blakhall for their liberation.
- 82 Act in favours of Captaine *William Stewart*.
- 83 Act anent the keeping of the Castle of Edinburgh to the Earle of Levin.
- 84 Act in favours of the Earle of Levin for 100000. markes.
- 85 Act of approbation and exoneration to the Earle of Levin Lord Generall, and sundry other generall Officers.
- 86 Act anent the liberation of the Earle of Montrose, Lord Naper, L. Keir, L. Blakhall, *Sir Robert Spottiswood*, *Sir John Hay*, and Lieutenant Colonell *Water Stewart*; with the Act of caution found by them, containing also a warrant to the Councell to take the like caution of the Incendiaries.
- 87 Reference to the Councell anent the incarceration of poore people.
- 88 Act in favours of the Officers of fortune within the Countrey, with a reference to the Commission for the common burthens.
- 89 Reference in favours of the Lord *Forbes* to the famine Commission.
- 90 Act in favours of the Procutors for the Estate, with a reference to the said Commission.
- 91 Reference in favours of *George Fowles* to the Exchequer.
- 92 Act anent the pryces of Writts, Seales, and Registers remitted to the Councell, with power to doetherin as the King and Parliament might, and their determination to have the authority of an Act of Parliament.
- 93 Reference in favours of Master *Alexander Colvill*, and Master *James Robertone* Justice Deputes to the Exchequer.
- 94 Reference Master *Alexander Pitcarne* minister to the Commission for the common burthens.
- 95 Reference for these fouldiers of fortune who were incarcerated at New-castle to the Commission for the common burthens.
- 96 Reference for the Generall of artillerie to the said Commission.
- 97 Reference for the Earle of *Hoome* and Countesse of *Hoome* to that Commission.
- 98 Supplication for the Brittish Subjects remitted to the Kings Majestic.
- 99 Reference for the Earle of *Nithisdaille* to the Councell.
- 100 Reference for the L. of *Edzell* to the Commission for the common burthens.
- 101 Reference L. *Moynes* contra *Glengarie* to the Councell.
- 102 Reference in favours of *Sir William Dik* to the Exchequer.
- 103 Reference for the Lord *Sinclare* to the Commission for the common burthens.
- 104 Reference for *Sir James Ramsay* to the Commission for the common burthens.
- 105 Act and Reference in favours of the Earles of *Mar* and *Linlithgow* to the Councell, for recompence of their charges and expensies anent

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- 106 Supplication L. Blair anent his warde and marriage granted.
- 107 Supplication L. of Cauldwell anent his ward and marriage granted.
- 108 Supplication in favours of the Lady Stormonth granted.
- 109 Supplication L. Mynto Turnble for his ward and marriage granted.
- 110 Supplication L. of Cromlix for his ward and marriage granted.
- 111 Act and warrant for transporting of *John* and *Thomas Blaks* from Drumfreis to the tolbuith of Edinburgh.
- 112 Act discharging the confluence of people to Edinburgh in this time of Parliament not being members nor having necessar attendance on Parliament, and appoynting strong guardes to be kept.
- 113 Ratification in favours of Sir *William Scot* of *Clarkintoun*, of the lands, teinds, and Kirke thereof.
- 114 Ratification in favours of the Burgh of *Forres* of their infestment.
- 115 Ratification in favours of the Laird of *Kilbirnie* of his infestments of the Barronie thereof, and others therein contained.
- 116 Ratification in favours of *John Hammiltoun* of *Boghall* of the lands of *Boghall*, and others therein specified.
- 117 Ratification in favours of *James Melvill* of *Hallhill* for the lands of *Nether-Grange* of *Kinghorne*, *Wester-Mills*, and *Castle of Bruntiland*.
- 118 Ratification in favours of Sir *John Prestoun* of his gift of pension.
- 119 Ratification in favours of the Earle of *Lindsay* of the Signator granted by the King to him of the lands, offices, and others therein contained, with the precept and seasing to follow thereupon.
- 120 Ratification in favours of the Burgh of *Kirkcudbright*.
- 121 Ratification in favours of *James Sinclair* of *Skallaway*.
- 122 Ratification in favours of *William Maxwell* of *Kirk-houfe*.
- 123 Ratification in favours of the Laird of *Grenok*.
- 124 Act in favours of the Burgh of *Lawder*, appoynting a Faire there in yearely, 22. of *July*.
- 125 Act in favours of the town of *Jedburgh* for two Faies yearely.
- 126 Ratification in favours of *Mart Stewart* of her letters of rehabilitation.
- 127 Ratification in favours of *Thomas Forbes* of *Watertoun*.
- 128 Ratification in favours of the Earle of *Hoomé* of his infestment of the Barronie of *Dunce*.
- 129 Ratification in favours of the Laird of *Tofts* for the lands of *Easter* and *Wester plew-lands*.
- 130 Ratification in favours of Sir *Andrew Skene* for the Barronie of *Auchtertuill*.
- 131 Ratification in favours of Sir *Thomas Nicolson* of the Barronie of *Carnok*.

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- 134 Ratification in favours of the Towne of *Edinburgh* anent the augmentation of their Ministers stipends out of the house-meales thereof.
- 135 Ratification in favours of *Heriots* hospitall.
- 136 Ratification in favours of the Lord Generall *Leslie* Earle of *Levin* for the Baronie of *Balgonie* and others therein contained.
- 137 Ratification in favours of Master *James Baird* for the lands of *Little Fiddes*.
- 138 Ratification in favours of *David Carnagie* of *Ethie* of the Baronie of *Craig-ethie*.
- 139 Ratification in favours of *Robert Pringle*, and Master *John Pringle* his son for the lands of *Templehall*, teinds thereof, and lands of *Woodheid*.
- 140 Ratification in favours of the *Masons* and *Wrights* of *Edinburgh*.
- 141 Ratification in favours of the Burgh of *Dumbartane*, anent their *Fayres* and *Markets*.
- 142 Ratification in favours of the laird of *Swintoun* anent the Baronies of *Swintoun* and *Cranshaws*, teinds thereof, and patronage of the *Kirk* of *Cranshaws*.
- 143 Ratification in favours of the Lord *Forrester* for *Torwoodheid*.
- 144 Ratification in favours of the Laird of *Glenbervie* for the lands and barronie thereof.
- 145 Ratification in favours of the Burgh of *Renfrew*.
- 146 Ratification in favours of the Burgh of *Montrose*.
- 147 Ratification in favours of the Burgh of *Dundie*.
- 148 Two Ratifications in favours of the Earle of *Lothian*, of his rights and infestments of the lands and others therein contained.
- 149 Ratification in favours of the Laird of *Colingtoun*, anent the lands, teinds, and barronie of *Colingtoun*.
- 150 Ratification in favours of *John Arnot* of *Wodmylne*, of his right thereof.
- 151 Act in favours of the house and familie of *Ruthven* of *Bandeane* to their surname of *Ruthven*.
- 152 Ratification in favours of the burgh of *Linlithgow*.
- 153 Ratification of the decret arbitrall given by the Kings Majesty betwixt the Earle of *Buckleugh* and *Francis Stewart*.
- 154 Ratification in favours of *John Moodie* of his right of some tenements in *Leith*.
- 155 Ratification of the gift granted by the Kings Majesty to the Ministers at *haly-rudehoue* of the impost of all wines vented in the *Cannongate*.
- 156 Ratification in favours of *John* Earle of *Traquhair* of his right of the lands and others therein contained.
- 157 Ratification in favours of Master *James Lawson* of a tak

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- of the teinds of the Parochins of Badreule.
- 158 Ratification in favours of the sheriffe of Teviotdail for the Kirk lands of Cavers.
- 159 Ratification in favours of the laird of Frendrant of the two charters and infestments therein contained, of the lands and Baronnie of Frendrant and others therein specified, containing a declaration by the King and Parliament in his favours.
- 160 Ratification in favours of Sir *John Smith* of his rights of his lands in Crawmond.
- 161 Ratification in favours of Master *James Scot* of his infestments of the lands of Bonytoun.
- 162 Act anent the erection of the Kirk of Elie.
- 163 Act for establishing a particular Register of feafings for the shire of Argyle at Innerara.
- 164 Ratification and act anent the erection of the Kirk of Anstruther wester.
- 165 Act anent the dis-uniting of the Kirk of Dennie from Falkirk.
- 166 Ratification in favours of the Burgh of Glasgow, of their infestment thereof.
- 167 Ratification in favours of *John Dikson* of his infestments and rights of the lands of Harrie and Kilbocho, with the patronage of the Kirk and tak of the teinds thereof, and annuity of the famine.
- 168 Ratification in favours of the Earle Marshall of his tak of the customs of Aberdene and Bamff.
- 169 Ratification in favours of the old and new colledges of Aberdene, of the mortification to them, of the rents of the Bishoprick thereof.
- 170 Ratification in favours of Master *Peter Ewat* of the tak of the abbacie of Croceragnell.
- 171 Ratification in favours of the univerfity of Glasgow, of the rents of the Bishoprick of Galloway.
- 172 Ratification in favours of Sir *John Seytoun* of his pension of two hundred pound stirling.
- 173 Ratification in favours of the schoole-master at Auchtertuill of the few dutie thereof.
- 174 Ratification in favours of the Minister at the North Kirk of Leith, of the mortification to them of the victuall therein mentioned.
- 175 Act of erection of the Kirk of Carrestoun in favours of the laird of Balnamoone.
- 176 Ratification of the mortification of the teinds of Over-careftoun and Pitforkie, &c.
- 177 Ratification to Master *Thomas Michell* of his gift of the rents of the Bishoprick of Rosse, unpaid crops, 1638. 1639. 1640. and 1641.
- 178 Ratification in favours of the Earle of Dumfermling of the patronage of the Kirks of May and Dyke.

179 Ratifi-

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- 179 Ratification in favours of the Earle of Mortoun anent Dalkeith, Lugtoun, and Sheriff-hall.
- 180 Ratification in favours of the Earle of Dumfermling of his tak of the Lordship thereof.
- 181 Ratification to *John Semple* of his infestment of the Corne Milne therein mentioned.
- 182 Commission to the Earles of Murray and Dumfermling, and the Laird of Innes, &c. for keeping of the water of Spey.
- 183 Ratification in favours of the Earle of Kinghorne of the right of his lands within the territorie of Glames, and others therein contained.
- 184 Ratification to the Towne of Muscledburgh of their infestment granted by the Kings Majesty.
- 185 Ratification in favours of the Burgh of Glasgow, of the new gift and mortification granted to them by the Kings Majesty.
- 186 Ratification in favours of *Patrik Ruthven*, brother to the sometime Earle of Gowrie, ratifying the signator and gift granted to him by the Kings Majesty.
- 187 Ratification in favours of *Robert Leslie* of his tak of the Bishoprick of Orkney.
- 188 Ratification in favours of the Minister of Culros of his gift and mortification therein mentioned.
- 189 Ratification and Commission in favours of the Burgh of Pearth, anent the Bridge thereof, and of his Majesties new gift granted to them thereanent.
- 190 Ratification in favours of the Burgh of Whithorne.
- 191 Ratification to the Lord Amont of his rights of the Baronie of Falkirk and others.
- 192 Ratification to Master *Lawrence Scot* of his rights of the lands of Bavelaw.
- 193 Ratification in favours of the Earle of Hooome of the contract and disposition to him of the living and estate of Hooome.
- 194 Ratification in favours of the Burgh of Dumbar.
- 195 Ratification to the Marquesse of Hammiltoun of his infestment of the Baronie of Monkland, and patronage of the Kirks of Calder and Monkland.
- 196 Ratification in favours of the Towne of Dunkeld.
- 197 Ratification in favours of *James Maxwell* and the Laird of Barnes anent the light upon the May.
- 198 Ratification to the Earle of Dalhouffie of his tak of the teind sheaves of Abbots-hall.
- 199 Ratification in favours of *Alexander Gordoun* of Earlestoun anent the right of his lands therein specified.
- 200 Ratification to the Earle of Rothes of his pension of ten thousand pound Scots yeerly.
- 201 Ratification to the Chirurgions and Barbers of Edinburgh of their liberties.
- 202 Ratification in favours of the Burgh of Pebles,

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- 203 Ratification to the L. of Dun of the two tak set to him of the Customes of Montrose.
- 204 Act in favours of the Hat-makers of Edinburgh, anent the libertie of an Overseer or Quarter-master.
- 205 Ratification to *John Forbes* of Leslie of his decreet against the Laird of Haddo.
- 206 Ratification to the Lord Frazer of his decreet against the Laird of Haddo.
- 207 Ratification of the Sheriff-clerkship of Stirling, in favours of *John Williamson*, and Master *David Forrester*.
- 208 Ratification in favours of the Burgh of Aberdene, of the gift granted to them of the Kirk of Saint Nicolas teinds and patronage thereof.
- 209 Ratification of the decreet dis-uniting Kirkmabrek and Kirkdail from Anveth.
- 210 Ratification to the Laird of Keir of his tak of the teinds therein specified.
- 211 Ratification to Master *William Wardlaw* of the gift of chalmerslanrie therein contained.
- 212 Ratification to *William Gordoun* of Kirkconnell of his right of the lands of Drumconkrie.
- 213 Ratification to the Minister at Donoone of the mortification of twelve hundred marks yeerly.
- 214 Ratification to the Duke of Lennox of his gift and right of the temporalitie of the Bishoprick of Glasgow, Baronie and Regalitie thereof.
- 215 Ratification in favours of the Minister of Dornoch of the gift of eight hundred marks yeerly out of the rents of the Bishopricke of Caithnes.
- 216 Ratification in favours of the Earle of Findlater of the Signatur granted to him of the office of Bayliarie of the Baronie of Strathzlay.
- 217 Ratification in favours of the Burgh of Aberdene, of their rights and infestments.
- 218 Ratification of the mortification of 1000. marks to the Minister at Glenluce, and 200 marks to the School-master thereat.
- 219 Ratification to *John Malcome* of the gift of Chalmerslanrie of the Stewartrie of Fife.
- 220 Ratification in favours of Colonel *John Leslie* of his infestment of the Myres.
- 221 Act anent the election of the Hospitall of the Baronie of Barhalgardie.
- 222 Ratification in favours of *Alexander Maxwell* of the lands of Dechmont.
- 223 Ratification to Master *Hary Chaip* of his infestment of the lands of Ormestoun.
- 224 Ratification in favours of the Towne of Edinburgh of the gift granted to them of the patronage of the Kirks of Halyrudhouse and North Leith.

225 Ratifi-

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- 225 Ratification in favours of the Laird of Balfore of his infestment of the teinds of Kilrinnie and others therein contained.
- 226 Ratification in favours of *John Innes* of Lenchars, of his gift of the bailliarie of Spynie and constabularie of the Castle thereof.
- 227 Ratification to the minister of Dunkell of the Kings gift of a thousand Marks yeerly.
- 228 Ratification in favours of *James Gordoun* of his infestment of the lands of Seatoun.
- 229 Ratification in favours of the Parochioners of Markinsche of a decreet before the Commissioners for surrenders and teinds.
- 230 Ratification in favours of the L. of Kinhalt of the lands of Drummoir, and patronage of Kirkmadine.
- 231 Ratification in favours of the burgh of Rutherglen.
- 232 Ratification to Colonel *Hamilton* of his gift to be generall of the Artillery and gift of pension.
- 233 Ratification to the beidmen of the Magdalene chappell of the mortification to them of an hundred and nine pounds sterling yeerly out of the Bishoprick of Dunkell.
- 234 Ratification to the Earle of Fullibardine of his rights and infestments of the lands therein contained.
- 235 Ratification to Master *Alexander Wedderburne* of his tak of the customes of Dundie.
- 236 Ratification in favours of Sir *William Dik* of his right and infestment of the lands and teinds of the Baronie of Northbervik.
- 237 Ratification to Sir *William Dik* of his tak of the viccarage, teinds, salmond, herring, and other fish teind betwixt Tyne and Skaitraw.
- 238 Ratification to the L. of Wedderburne of his tak of the teind sheaves of kello, &c.
- 239 Ratification of the contract betwixt the Kings Majesty and the Earle Marshall, anent the woodset of the Lordship of Deire.
- 240. Act anent the erection of the Kirk of Longfyd.
- 241 Ratification in favours of the laird of Panmure of his infestment of the Lordship of Brieche and Navar, and others therein contained.
- 242 Ratification in favours of the Earle of Kinnoull of his infestment of the Baronie of Duplin with a dissolution.
- 243 Ratification in favours of the Earle of Kinnoull of his infestment of the Baronie of Kinfauns.
- 244 Ratification to the Earle of Kinnoull of a tak set by the Kings Majesty to him of the reinds of Confland.
- 245 Ratification in favours of the Earle of Sea-forth, of his Baronie of the Lewes, with a dissolution.
- 246 Ratification in favours of *James Pierson* of his infestment of the lands of Auchtermeggets.
- 247 Ratification in favours of Sir *John Hamilton* of Orbestoun knight Justice Clerk of the lands of Orbestoun, and others therein contained.
- 248 Ratification in favours of *William Gray* of his infestment of the Baronies of Fous and Forgund, and of the patent of honour, in favours of William master of Gray his son.

249 Commission

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- 249 Commission to the Earle of Montrose, and Laird of Panmure of the Justiciarie of the fishings of the waters of North and South-esks.
- 250 Ratification of an Infeftment in favours of the towne of Cromarty.
- 251 Ratification of an Infeftment in favours of the towne of Innernes.
- 252 Ratification of an Infeftment in favours of the towne of Rosmar-
kie.
- 253 Ratification in favours of the towne of Breichen of their infeft-
ment with a *novus damus*.
- 254 Ratification in favours of the towne of Lanerk of their infeftment.
- 255 Reference in favours of the Parishioners of Bers to the Commiffi-
on for plantation of Kirkes.
- 256 Ratification in favours of the Lord Couper of his lands of Cassil-
town and Englishtown, and others therein contained.
- 257. Act in favours of the burgh of Selkirk, anent a Faire to be holden
therein yearly on the fourth of July.
- 258 Ratification in favours of Sir *James Balfoure* of his infeftment of
the Baronnie of Kinnaird.
- 259 Ratification in favours of the laird of Pluscardine of his infeft-
ment of the lands of pluscardine, and others therein contained.
- 260 Ratification of the infeftment of the erection of the Lordship of
Cardrose.
- 261 Ratification in favours of Sir *William Stewart* younger of Gairn-
tullie of his infeftment of the lands of Strabrand.
- 262 Ratification in favours of the L. of Nidrie, of his infeftment of the
lands of Nidrie, marshall and others therein contained.
- 263 Ratification in favours of *William Seytoun* of Grange of his gift of
generall post-master of Scotland, containing an exception in favours
of the burghes of Bruntiland and Kinghorne.
- 264 Ratification in favours of the town of Weik of their infeftment,
with a declaration, declaring the said town to be the head burgh of
the sheriffdome of Caithnes.
- 265 Commission to the Earle of Erroll anent the justiciarie of the fi-
shings upon the water of Ithane.
- 266 Ratification in favours of the towne of Bruntiland, of an act of
exchequer, with a declaration that Sir *James Melvill* his assuming of
the style of Bruntiland shall no wayes be prejudiciall to their li-
berties.
- 267 Ratification in favours of the Earle of Erroll of a pension granted
to him by the Kings Majesty.
- 268 Ratification in favours of the Earle of Kinoull, of his right of the
lands of Erroll.
- 269 Ratification of the immutuell band amongst the heritours adjacent
the Pow of Inchaiffray.
- 270 Ratification in favours of *William Gray* of Pittindrum, and *William*
Master of Gray his son, of a tak set by the Kings Majesty to them
of the teinds of their lands, tying within the Parochin of Fowles, and
others therein contained.
- 271 Ratification in favours of the minister of Brechin,

272 Ratifica-

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- 272 Ratification in favours of the Minister of Navar.
- 273 Ratification in favours of Sir *Alexander Gibson* of Durie, one of
the Senators of the Colledge of justice.
- 274 Ratification in favours of Master *Fohn Cant*.
- 275 Ratification in favours of the Fewars of Kylifimure.
- 276 Ratification in favours of *James Dumbar*.
- 277 Ratification in favours of the Lord Lorne.
- 278 Two ratifications in favours of the Laird Ackine.
- 279 Two ratifications in favours of Sir *James Macgill*, of Cranftoun
Riddle Knight, one of the Senators of the Colledge of Justice.
- 280 Two Ratifications in favours of Sir *James Scot* of Rossie.
- 281 Ratification in favours of the Earle of Eglintoun.
- 282 Ratification in favours of the Earle of Queensberry.
- 283 Ratification in favours of the rights of the Canongate.
- 284 Ratification in favours of my Lord Advocate.
- 285 Ratification in favours of Somervell of Drum.
- 286 Ratification in favours of *Robert Pringle* of Stichell.
- 287 Ratification in favours of *Fohn Carstairs*.
- 288 Ratification in favours of the Laird of Houftoun.
- 289 Ratification in favours of Doctor Chalmers.
- 290 Ratification in favours of *James Maxwell* of Innerweek.
- 291 Ratification in favours of the Earle of Lawderdaill.
- 292 Ratification in favours of Master *William Cochran* of Cowdoun.
- 293 Ratification in favours of the Towne of Irving.
- 294 Ratification in favours of the Laird of Dalmahoy.
- 295 Ratification in favours of the South Queensferrie.
- 296 Ratification in favours of Sir *Richard Grahame*.
- 297 Ratification in favours of *William Scot* and his brethren.
- 298 Protestation Earle of Sutherland anent his place.
- 299 Protestation Lord Borthwick anent his place.
- 300 Protestation L. of Cambo, as Commissioner for the Sheriffdome
of Fife,
- 301 Protestation L. of Cesnok in name of the whole Barons.
- 302 Protestation L. of Wedderburne, as Commissioner for the She-
riffdome of Bervik.
- 303 Commission and warrant by the King and Parliament to the Ex-
chequer for regulating the Book of Rates.
- 304 Warrant by the King and Parliament to the Council to dif-band
the companies yet on foot, and to provide for moneys for that effect
- 305 Protestation Towne of Kinghorne and *Robert Hepburne* for the
Earle of Dumfermling against Halhills Ratification.
- 306 Protestation for the Kings Veallers against *James Sinclars* Rati-
fication.
- 307 Protestation Towne of Renfrew against the Laird of Grenocks
Ratification.
- 308 Protestation Wrights of the Cannongate against the Wrights of
Edinburgh their Ratification.
- 309 Protestation Earle of Argyle against the Ratification for the town
of Dumbartan.

310 Protesta-

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- 310 Protestation Town of Glasgow against the same Ratification.
- 311 Protestation Town of Glasgow against the Ratification for the Burgh of Renfrew.
- 312 Protestation Town of Renfrew against the Ratifications of the Burgh of Glasgow.
- 313 Protestation Town of Dumbarton against the Ratifications of the said Burgh of Glasgow.
- 314 Protestation L. Dun against the Ratification of the Towne of Montrose.
- 315 Protestation L. of Houstoun against the Ratification of Renfrew.
- 316 Protestation L. of New-warke against the Ratification of Renfrew.
- 317 Protestation Marquess of Hammiltoun against the Ratification of the Town of Linlithgow.
- 318 Protestations Earls of Buckleugh and Hadingtoun, and Bayliffe of Lochend, against the Ratification in favours of *Francis Stuart*.
- 319 Protestation Towne of Pebles against the Ratification of the Earle of Traquair.
- 320 Protestation Lord Amond against the Act for the Kirk of Denny.
- 321 Protestation L. of Minto against the Ratification of the Town of Glasgow.
- 322 Protestation Towne of Renfrew against the Ratification in favours of the L. of Houstoun.
- 323 Protestation Kirk of Anster against the Ratification of the Kirk of Kilrinnie.
- 324 Protestation Sir *William Dik*, and the whole fishers against the Ratification in favours of the L. *Aickine*.
- 325 Protestation Town of Edinburgh against the Ratification in favours of the Wrights of the Canongate.
- 326 Protestation Towne of Edinburgh against *Robert Lesleys* ratification.
- 327 Protestation Earl of Galloway against the Ratification in favours of the Universitie of Glasgow.
- 328 Protestation Earle of Perth against the Town of Newburgh.
- 329 Protestation and declaration Earle of Dumfermling against the Ratification for the *Queenes-ferrie*.
- 330 Protestation Towne of Air against the Town of Irvings Ratification.
- 331 Protestation for *Hoome* against *John Carstairs* Ratification.
- 332 Protestation Town of Brechin against the act of erection of the kirk of Carrestoun.
- 333 Protestation Earle of Lauderdail against the Towne of Musleburghs Ratification.
- 334 Protestation and declaration Earle of Kinnoull *contra Patrik Rythvens* Ratification.
- 335 Protestation Towne of Edinburgh against the act in favours of the Hat-makers.
- 336 Protestation L. of Haddo against the Ratifications in favours of the

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- the L. Frazer, and L. Lesley, and their protestation in the contrair.
- 337 Protestation Laird Lesley for the shire against the Town of Aberdenes Ratification of their infestment.
- 338 Protestation Lord Maitland against the Earl of Hoops ratification.
- 339 Protestation Lord Yester against the ratification of the Towne of Pebles.
- 340 Protestation and declaration by the King and Parliament in favours of the Procurator and agent for the Kirk for their fees against the Ratification in favours of the Duke of Lennox of his right to the Bishoprick of Glasgow.
- 341 Protestation Marques of Hammiltoun against the Duke of Lennox Ratification.
- 342 Protestation Colledge of Glasgow against the Town of Glasgows Ratification.
- 343 Protestation Earle of Lanerk for *Robert Lesley* against the Ratification of the gifts of the Bishops rents of Orkney, with his Majesties declaration abiding by the gift of *Robert Lesley*, as being first done, and preferring the same to all other gifts.
- 344 Protestation L. *Giffan* against the Ratification in favours of the town of Glasgow, of the Bishoprick of Galloway, & their gift therof.
- 345 Protestation Earl of Murray against *Innes* of Leuchars Ratification.
- 346 Protestation Town of Glasgow against the Town of Rutherglens Ratification.
- 347 Protest. L. of Balymayne against the L. of Panmures Ratification.
- 348 Protestation Earl of Argyle against the Earle of Seaforths Ratification of the Lewes.
- 349 Protestation Earl of Sutherland against that Ratification.
- 350 Protestation Marquess of Hamiltoun against the Towne of Lanerks Ratification.
- 351 Protestation and declaration Towne of Dumbarton against Renfrew their Ratification.
- 352 Protestation and declaration Renfrew against the Town of Dumbarton their Ratification.
- 353 Protest. L. of Lawers against the Earl of Tullibardans Ratification
- 354 Protestation Earl of Seaforth against the Ratification of the town of Weik.
- 355 Protestation Earle of Southesk against the Ratification in favours of the Minister of Brechin, with the Commissioners of Brechins protestation in the contrarie.
- 356 Protestation *Alexander Urchart* against the Ratification in favours of the Town of Cromartie.
- 357 Protestation Marques of Hammiltoun against the Ratification in favours of the Town of Glasgow.
- 358 Protestation Lord Yester against the Ratification in favours of the Earl of Kinnoull.
- 359 Protestation Earl Marshall against the Ratification in favours of the Earl of Kinnoull.
- 360 Protestation in favours of the Earl of Erroll.

FINIS.

