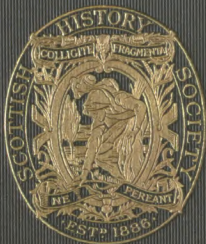


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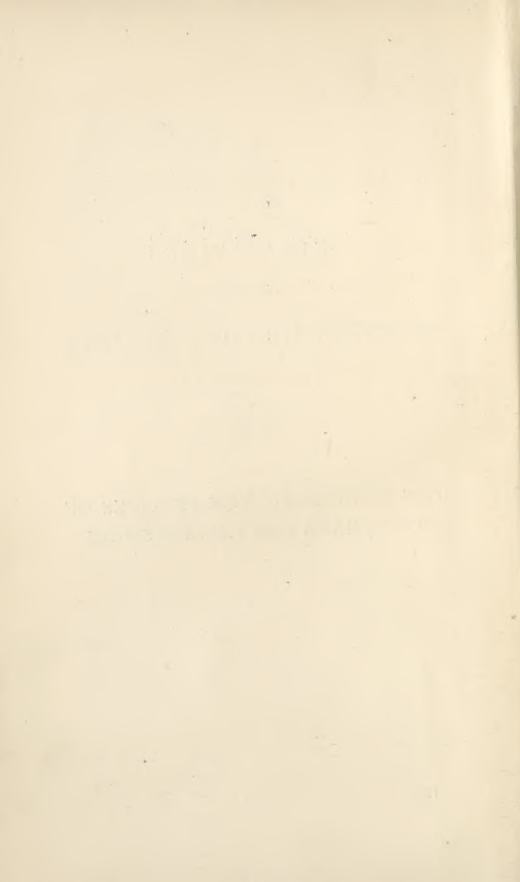
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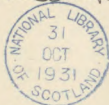


X

THE MINUTES OF THE JUSTICES OF THE PEACE FOR LANARKSHIRE

1707-1723

Transcribed and Edited by
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IN THE SUPREME COURTS OF SCOTLAND, EDINBURGH



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PREFACE

THE manuscript book, now in the National Library of Scotland,* which forms the substance of this volume, is a small folio, measuring twelve inches by eight, with parchment cover, now wrinkled and brown from age and exposure. The two leather tags which long held it closed are gone except for tiny fragments.

Of its one hundred and thirty pages one hundred and fifteen are in the handwriting of three different clerks, who follow in several respects the ways of their seventeenth-century predecessors. *His* is still used in place of the 's; there are the letters *e*, *r* and *s*, of the older cursive forms; *said*s before a plural; *samen* for *same*; *as said is*, for *as already stated*; *absents* for *absentees*. There are some good specimens of old Scots words in *fials*, for *wages*; *gruiffe*, for *lying flat on the ground*; *girnel* for *granary*; *invade* for *attack*; *mae* for *more*; *meinzie* for *persons of a household*; *ryot* for *assault*; *ratihabitone* for *approval*, or *sanction*; *widow* for *widower*. The expression *horse pack* or *load* meant *two bolls*, and the term *lot and proffe*, denoting the twenty-fifth part of the grain thrashed out by a *thresher*, which was his wages, is not in Jamieson's Dictionary. The *tasker*, for *thresher*, is centuries old for a pieceworker.

In the preparation of this volume I have had the kind assistance of many authorities. To the clerks of the Justiciary Office, Edinburgh, the Sheriff Clerk of Stirling, and the Clerks of the Peace in Scotland, especially of Edinburgh and Midlothian, I return thanks for granting access

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to records. I am deeply indebted to Sheriff J. R. N. Macphail, K.C., and Professor D. Oswald Dykes, K.C., for their helpful suggestions and their care in reading the proof sheets, and to my brother, Mr. Peter Malcolm, M.A., who, in addition to similar services, collated the text and identified many of the places mentioned in the Minutes. I have also to thank Mr. James C. Corson, M.A., Edinburgh University Library, for his assistance in checking the authorities cited and for compiling the Index.

C. A. M.

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INTRODUCTION

THE EARLY HISTORY OF THE JUSTICE OF THE PEACE IN SCOTLAND

THE Justice of the Peace had been established for almost three centuries in England when James VI. conceived the idea of introducing him into Scotland. His first experiment was the Act of 1587,¹ which provided for an establishment of 'honourable and worthie persons of honest fame . . . earls, lords, barons, knights, and special gentlemen landit, experimentit in the lovable laws and customs of the realme . . . as King's commissioners and justices in the furtherance of justice, peace and quietness . . . together with four of the Council of every burgh within the self² . . . givand . . . to them full power to tak inquisition and mak dittay³ . . . of all persons suspectit culpable of the crimes and defaults contenit in the table to be made to the Treasurer, Justice Clerk and Advocate.' The number of Justices for each shire was fixed, fourteen being allotted to Lanarkshire, and they were to meet in the Tolbooth of the head burgh of the shire four times each year—on the 1st of May,⁴ August, November and February.

There is no evidence to show that this measure was ever put into operation; it would be surprising if it had been. The king had not then mastered the details of the English system. There the Justices were not hampered by private

¹ *Acts of the Parliament of Scotland*, Record Series (hereinafter cited as *A.P.S.*), iii. 459.

² Justices for the burgh alone.

³ mak dittay=indict.

⁴ Until 1600 the calendar year in Scotland began on March 25.

jurisdictions as the Scottish Justices were. 'The great hindrance to the execution of our laws,' wrote James, was 'the great men in possession of heritable jurisdictions and regalities.' These he would punish, when found guilty of negligence and 'sloth,' by depriving them of their privileges; and he would draw the laws of Scotland to the 'laudable custom of England.'¹

Six years after his accession to the throne of England James sought to realise his dreams by the operation of his famous Act of 1609,² to 'exterminate that abominable pest of deadlie feedis . . . which the sloth of magistrates had not suppress . . .' by empowering Justices of the Peace, appointed every year in every shire, from 'godlie, wise and vertuous gentil-men of gude qualitie, moyen and report . . . to keep his majestie's peace . . .' by binding such evil-doers to keep the peace and presenting them before the Justice or the Lords of Secret Council.³

Appointments were then made by the king and his Council. Those who were nominated were all members of notable families and included provosts and bailies of royal burghs.⁴ In each shire one of the Justices was appointed keeper of the Rolls, and he had to appoint a clerk.⁵

Eager to see his great scheme in operation the king sent out in rapid succession instructions, letters and admonitions, supplemented by orders and with advice to those who had been appointed convencers or keepers of the Rolls as to the treatment proper for breakers of the peace.⁶ From Westminster he writes to each convencer a long letter in Latin, exhorting them to examine on oath all upright men concerning . . . felonies . . . according to the laws of England! . . . while, appended, are the form of the

¹ *Basilikon Doron* (1616 edn.), bk. II., 163.

² *A.P.S.* iv. 434.

³ *Register of the Privy Council of Scotland*, Record Series (hereinafter cited as *R.P.C.*), 2nd Series, viii. 297.

⁴ *R.P.C.* ix. 75-80.

⁵ *Ibid.* (2nd Series), viii. 298.

⁶ *Ibid.* viii. 297-298.

oath *de fidei* and that of the king's supremacy in matters temporal and spiritual.¹

In the same month the Privy Council issued instructions for dealing with riots and impending riots, of which the Council were first to be informed. Express orders were issued to imprison all unauthorised wearers of arms, and to place in the stocks idle, strong vagabonds and beggars. Anxious to omit nothing that would promote the success of the system, the Council gave directions to the Justices to meet in the Tolbooth of the head burgh of their shire and impressed on the conveners the necessity of showing the list of 'Instructions' to each of their colleagues.²

In their civil domain the Justices were to be 'careful concerning the upholding and repairing of the briggis that ar not utterly ruined, that some course may be taken by the countrey next adjacent to give supply for that matter.' When the Justices ascertained the 'countrey's' ³ willingness to contribute, the Privy Council were to be apprised and their approval obtained. The Justices were also to keep the highways in good order for carriages and passengers, and to report to the Council all who, having lands adjoining, ventured to encroach on the highway. Good inns for travellers were another necessity, but the Justices could only suggest to the Privy Council their opinion. Unable to effect any improvements in these departments, the newly appointed Justices of the Peace had aroused the anger or the envy of the privileged barons. Reports of the obstacles which many of these magnates ⁴ had placed in the path of the struggling Justices reached His Majesty,

¹ *R.P.C.* (2nd Series), viii. 300-302.

² *Ibid.* ix. 696-697.

³ Countrey = the people of the parish.

⁴ Henry Stewart and others in Orkney, who disobeyed an order of the Justices of the Peace, were ordered by the Privy Council to be warded in Edinburgh Tolbooth (1610, *R.P.C.* ix. 91-92). The Justices for Selkirkshire reported in 1611 that their 'chief hindrance was the burgh of Selkirk' (*Ibid.* ix. 714). The Magistrates of Linlithgow refused to appear before the Justices of that shire in order to take the oath of allegiance (*Ibid.* ix. 399).

who ordered the Lord Advocate to raise summonses against such 'usurpers of our authority and hinderers of our service, either before the Justice or the Lords of our Secret Council,' and to have them punished. The Advocate was also to 'give faithful counsel and gude assistance to the Justices of the Peace.'¹

Oddly enough, the Lord Advocate had occasion shortly after to rebuke, as an abettor of the 'hinderers,' one of his own Council. In June 1611, while the Council were considering a complaint by the Justices for Berwickshire, Gledstains, Archbishop of St. Andrews, forgetting that he had been appointed a member of the new tribunal—the Court of High Commission—was so indiscreet as to remark that the Commission of the Peace was 'very recent, without warrant of law, and it was na reasoun that that commission, as ane son, suld overshadow and obscure all the uther jurisdictions of the kingdom; that the realme had, many hundredth years, bene weill governed without Justices of Peace.' To which the Lord Advocate retorted: 'It was strange that his lordship, who had received so great favour and honour of the king, sould impugne his authoritie and the order set down by him for the peace of the country and that he took upon him very absolutelie to exercise the Hic Commission newly institute be His Majestie, with great power to him and his colleagues, and that he would impugne the power of judges appointed by His Majestie for keeping the peace of the countrey.'²

The ill-timed remark of the Archbishop indicated the feeling of the nation towards the Justices of the Peace; the entries in the Records of the Privy Council of assaults upon them and of other forms of contempt for their authority make it abundantly evident that the Justices had not sufficient power behind them for enforcing their

¹ *R.P.C.* (2nd Series), viii. 303-305.

² *R.P.C.* xiv. 621.

decrees. That lack of power the Government tried to supply in July 1611 by a set of 'Articles' which supplemented the inadequate Instructions of 1610.¹ Instead of being restricted, as they had been by the earlier 'Instructions,' to the mere reporting of certain offences to the Privy Council, the Justices were to try cases themselves. They were also to keep an eye on bailies, sheriffs, and their deputies, and to report any remissness on their part and any cases suggesting collusion. Though noblemen, prelates, and Senators of the College of Justice were outwith the Justices' jurisdiction, any one of these ranks, found guilty of disorder, might be warned by a Justice of the Peace and compelled to find caution for keeping the peace, their trial for any such misdemeanour being remitted to the Privy Council. All below these ranks who were guilty of riots were to be punished or fined by the Justices in accordance with the rank of the offender.

'Landit gentlemen' were exempted from the jurisdiction of the Justices of the Peace, and were, on their part in any riot or other misdemeanour, to be reported to the Privy Council. All those subject to the Justices of the Peace who were known to have made threats of assault were to be fined and 'committed' until surety was given. Delinquents who disobeyed a summons or delayed to appear before Justices were to be fined. Heritable sheriffs, stewards, or bailies of baronies, who failed to do justice were to be reported to the Privy Council. Prisons were to be provided by Justices, and poor prisoners to be maintained out of rates levied on the parish to which they belonged. The 'sindrie unnecessaer alehouses' were to be watched for 'rebels at the horn,' masterful beggars, vagabonds, solitary and idle men and women and criminals. These the Justices were to punish, while the ale-house keepers, who harboured them, were to be fined. Forestallers and re-

¹ *R.P.C.* ix. 220-226.

graters were no longer to be referred to the Council but punished in terms of the statute. There are hardly any instances of punishment meted out for this most common infraction of the law throughout the seventeenth and eighteenth centuries, but it is worth while to notice that the Justices of Dundee in 1611 put an Edinburgh merchant into the Tolbooth for having bought in the market more meal than was necessary for his home.¹ Craftsmen and servants whose rates of pay had been fixed by the Justices were to be punished if they refused to work at these rates. 'Good and sufficient malt' at fair prices had to be produced by the maltsters; weights and measures were to be in terms of statute; they were to regulate ferrymen's fares; salmon poachers they were to try and poachers 'with lying dogs.' Offenders who were in the hands of Justices could be claimed by baron or burgh in the jurisdiction, provided either promised to do justice.

As for the Justices of Peace, they could not officiate until they had taken the oath *de fidei administratione*. They were to keep their Quarter Sessions regularly at the appointed times and their petty sessions when necessary, and were to be paid 40s. Scots a day and fined in a like sum for each day's absence, unless excused by their colleagues. They were to appoint a collector of fines, which fines were to be given either to 'the king or to such lords of regalities or other lords as, by right, may have claim to them.'

At the close of their Quarter Session the Justices of the Peace were to send to the Privy Council a 'catalogue' of all whom they have either committed, or put under surety, with summaries of the causes. Until this time the orders of the Justices had been carried out by their servants; thereafter constables were to be appointed by the Justices at Quarter Sessions—two from each parish—and they were to serve for six months, their pay to be derived from fines.

¹ *R.P.C.* ix. 249.

Those who declined office were to be put in gaol and fined at the discretion of the Justices.

Justices who had neglected to appoint constables were in August 1611 rebuked by the Privy Council and ordered to make the appointments within fifteen days under pain of being declared rebels.¹ The machinery was not running smoothly: the Instructions were not definite in every detail and the Justices of different counties, at a joint meeting, sent to the Privy Council a list of questions to which they craved answers.² How many Justices, for example, constituted a quorum—apart from that in Quarter Sessions—for deciding on riots or complaints? The answer was 'four.' 'Landed gentlemen' were defined as those whose lands were valued at 1000 merks or more, or ten chalders of victual. The Justices were anxious to learn how they stood with regard to the privileged barons in cases which they had cited before these barons had done so. When they received the answer that the barons might reclaim all such within fifteen days of the Justices' citation, they protested that 'this preference made Justices of the Peace bot serjeants and officers to the other judges in the countrey,' adding that 'whereas they, at the hasard of their lives, has, at the first committing of ony wrong, . . . tane paines and travails to assure his majesties peace and to arrest the offenders . . ., then the uther Judges will tak upon them the tryal and decision of that offence and wrong which, by the Justice, hes bene settled and pacifeit; and therefore their humble desire and petition is that His Majesty wald condescend to the article in the form and tenor as it is conceived and set down—special consideration being had that the Justices are to be comptable for the fines imposit be thame ather to His Majesty's resset or ony uther lord, prelate or baron who hath right to challenge them, so as they have no respect of privat bene-

¹ *R. P. C.* ix. 238-239.

² *Ibid.* (2nd Series), viii. 326, 329.

fit but only aims at the peace of the countrey and good of His Majestie's service.' ¹

Further trouble was occasioned to king and Council by dissentient Justices who, at a later meeting, offended His Majesty by their conduct. In August 1612 James wrote to the Council that the Justices having 'expressed their satisfaction with the answers by the Privy Council, except in one or two points, where, for their better contentment . . . we did not only declare our pleasure to our Clerk Register, requiring him to acquaint them, but also willed him to convene and insist with them for directing two of the Justices of Peace of their choice to inform us both of their further regrets and of that which they would wish us to do, either for redress thereof or for the better enabling them to execute their charge. This being done, we are credibly informed that some of them, more perversely disposed, did so oppone themselves at that meeting to that good course of sending two of their number to us for informing us of their grieves and further desires as the conclusion thereof was by their perverseness wholly crossed, whereby as they have shown themselves altogether unworthie of our favour, so wald we, upon knowledge of their names, for a manifest mark of their disgrace and our just dislike of them, presentlie discharge and remove them from that Employment, as unworthie to possess any place in our peace or service hereafter.' ² James further wished to know how far the Clerk Register had gone in discharging his directions. The Privy Council were to inform the disowned Justices 'how much we marvell that any of their number durst in any sort presume to be refractorie to the advancement and obedience of our pleasure—so manifest to all.' ³

Having thus decided the fate of the two rebellious

¹ *R.P.C.* (2nd Series), viii. 329.

² *Ibid.* viii. 330.

³ *Ibid.*

Justices James proceeded to show how he would reward those who obeyed his rule: Sir James Wemyss of Bogie and Samuel Cockburn, two Justices of the Peace, were to visit the king in London—no doubt to hear a homily—and on their return were to be paid each 100 ‘angels.’¹

The heritable sheriffs and lords of regalities were suspect. James would have them watched by the Justices of Peace. ‘What may the Justices of Peace perform for pacifying the country in case of the disobedience or negligence of the heritable officers or contempt of powerful men in the country?’ Such is one entry in the agenda of a meeting of the Estates or of the Council in 1612.² The system was in full working order, but the Justices had no easy duties to perform. Everywhere they found rebels against their authority. The Justices in Orkney in 1612 complained to the Privy Council of the tyranny of the Earl of Orkney in keeping his soldiers in their offices, the complainers dubiously remarking that ‘we read your lordships’ letter declaring the great contentment and satisfaction his Majestie has received by the establishment of Justices of Peace . . . and how his Majestie has found the Justices’ panes and travails in their employment answerable to his hopes.’³

To punish a powerful Earl living in Orkney was not so easy as to send to prison in Edinburgh Castle Patrick Blair, a Perthshire laird who, after a second summons to their court in the Kirk at Ardblair, threatened to draw sword on one of the Justices.⁴ The case of Sir James Crichton was even worse. A Justice of the Peace for Forfarshire, Crichton ‘invaded’ Dundee Tolbooth where his brother Justices were holding Quarter Sessions and, at the head of eighty armed men, sought to attack Sir David Wood and ‘would have slain him’ had he not been seized. Crichton

¹ *R.P.C.* (2nd Series), viii. 330.

² *Ibid.* xiv. 569.

³ *Ibid.* xiv. 570-571.

⁴ *Ibid.* ix. 446, 449, 460.

was ordered by the Privy Council to be warded in Edinburgh Castle. Presumably he was expelled from the company of 'godlie, wyse and vertuous gentlemen.'¹

Clerks were now allowed £40 per annum² which was paid out of fines. These were supposed to be lodged with the Privy Council annually.³

The chief disputes in the early seventeenth century were not between the Justices and the owners of private heritable jurisdictions but between the Justices of shires and the Justices of burghs. The Privy Council sought to effect an arrangement and settlement by a conference at which they would be present as well as representatives of the other two bodies.⁴ A Select Committee of five members of the Privy Council was appointed to decide on the differences,⁵ as a result of which the Commissioners for the burghs of Edinburgh, Dundee, Aberdeen, Stirling, St. Andrews, Glasgow, Ayr, Cupar, Linlithgow and Haddington agreed, for themselves and the other burghs, to meet in Quarter Sessions with the Justices of the shires and give their oaths to the Bench with these reservations: (1) That they retain 'all such liberties and privileges as are due them, and of which they were in possession before the establishment of the office of Justice of the Peace'; (2) that all decrees of the Justices in Quarter Sessions be enforced in town and country, but where the burgh Justices disagreed, the matter be referred to the Privy Council; (3) the count and reckoning of all fines imposed by burgh Justices and accountable to the county Justices should not apply to those fines which were exacted by them *qua* magistrates⁶—arrangements that seemed altogether satisfactory, but unfortunately did not always govern the relations between town and county Justices.

¹ *R. P. C.* ix. 519.

² *Ibid.* ix. 497.

³ *Ibid.* ix. 503-505.

⁴ *Ibid.* ix. 496.

⁵ *Ibid.* ix. 496.

⁶ *Ibid.* ix. 525-526.

The Justices were frequently consulted by the Privy Council regarding economic questions,¹ but it is clear from various entries in the Records of the Council and from the speech which James VI. delivered in Edinburgh in 1617 that the Justices were not functioning properly. Archbishop Spotswood, who summarised the speech in his *History of the Church and State of Scotland*,² said that the king 'discoursed long, remembering the pains he had taken . . . and how he had placed Justices of the Peace and Constables for preserving peace and keeping of the laws . . . which, he understood, were much neglected; and how that was due partly to the refusal of those whom he had nominated as Justices of the Peace and partly to the opposition of the greater barons. He would have both to know that, as it was no small honour to be a minister of the king's Justice . . . so he did esteem none to deserve better at his hands than they who gave countenance thereto; while those who would show themselves hinderers thereof should be accounted . . . enemies to the Crown. . . .'

The aspirations of the king, expressed for more than thirty years, to end the 'barbarities of the country, which they knew to be too many, . . . and to supplant them by Civility and Justice' provide the most convincing proof that the Justices had not accomplished that which James VI. and I. had looked for.

Neither the king's speech nor the long Act of 1617 with all its details, served to bring the goal within sight. James died in 1625, disappointed in realising that he had not paralleled the Roman emperor's proud boast: *Lateritiam inveni relinquo marmoream*. Three years later Charles I. achieved a great measure of success in Scotland by his revival of the Justice Ayres with eight itinerary Justices; but he failed when he tried to infuse life into the Justice of Peace system. Aware that many of his royal father's

¹ *R.P.C.* (2nd Series), viii, 341.

² 4th edition, pp. 530-531.

nominees were dead and that others were utterly careless, he directed the sheriffs to send to the Council a list of the small barons, freeholders, and 'famous gentlemen' in their shires in order that a selection might be made. In order to bring home the project to the minds of the lieges the Act of 1617 was ratified in 1630 and again in 1633, and announcement made that 'fit persons were to be appointed in each shire.'¹ By the Act of 1633 the Privy Council were to impose penalties on those Justices of the Peace who did not observe the diets; they were also to 'enlarge their power' if necessary and expedient. Again, the sheriffs and royal bailies were directed to send in lists of the 'barons freeholders and famous gentlemen' whom they deemed fit for the office of Justice of the Peace. About half the number of sheriffs sent in the desired lists, which brought forth another missive from the Council and a threat to fine those who failed to comply.² Charles was no more successful than his father had been in persuading suitable men to accept office. He made a departure, however, in 1634 by appointing ministers from lists selected by the bishops of the various dioceses,³ and by appointing as conveners of certain counties the sheriffs principal.⁴ How many ministers were appointed it is impossible to state, for the Records of the Council do not always give appointments. There are noted, however, in addition to the Archbishops of St. Andrews and Glasgow (who were ex officio Justices in every shire), the Dean of Glasgow, Whiteford, sub-dean, Dr. Robert Hamilton, minister of Glassford, the minister of Lesmahagow and the Principal of Glasgow University.⁵ The ministers of Lauder and Jedburgh were added in 1637.⁶ They were more fortunate than Mr. Justice, a minister of

¹ *A.P.S.* v. 42, 219; *R.P.C.* (2nd Series), iii. 223.

² *R.P.C.* (2nd Series), v. 173.

³ *Ibid.* v. 228.

⁴ *Ibid.* v. 389-391.

⁵ *Ibid.* v. 426.

⁶ *Ibid.* xiii. 426.

Stirlingshire, who was assaulted by a riotous laird who dirked the precentor while acting as the minister's constable.¹

The addition of the ministers did not make much difference to the situation. The Privy Council in 1636 record that 'many of those nominated . . . slights and neglects this service and hes not accepted the charge upon them nor keeps their Quarter Sessions nor ordinary days of meeting. . . .' Notices are sent to them requiring all to accept office and to attend all the meetings necessary under penalty of fine and imprisonment.²

From September 1641 to 1655 Justices of the Peace find no place in the Scottish administration. The Covenanting Parliament did indeed contemplate their revival in 1649, but instead set up Committees of War in the counties 'until persons of known ability and affection to the cause in hand be appointed.'³

The revival came in due time, but not until the Cromwellian officers occupied and governed Scotland. General Monk had suggested the reintroduction in April 1654,⁴ and in September 1655 Broghill wrote to Thurloe: 'We have bin this afternoon considering of establishing Justices of the Peace throughout this nation, and constables, with the power such ministers and officers have in England. I finde that even by an Act of Parliament heere they have bin instituted heere; but the great lords who were Sheriffs by inheritance finding these diminished their power, let them soon fall again; but even by that Act the King's Council were empowered to give the said Justices such further instructions as they should think fit, which additional instructions were to be of as much force as if enacted by Parliament.'⁵ The Council in November following

¹ *R.P.C.* (2nd Series), vi. 496-497.

² *Ibid.* vi. 175.

³ *A.P.S.* vi. (2) 268.

⁴ Firth, *Scotland and the Protectorate* (Scot. Hist. Soc.), pp. 98, 106.

⁵ *A.P.S.* vi. (2) 892.

issued 'Instructions for the Justices of the Peace in Scotland' which bear a strong resemblance to those that were issued by James VI. in 1610 and to the Act of 1617, but having several noteworthy additions. The laws against cursing, swearing, mocking piety and the exercise of piety—which had their place in the Scots Acts—were to be enforced by fines from delinquents according to their rank in life. The fines of married women were to be paid by husbands if the wives could not pay. Fines for immorality were to be levied according to the status of the offender and increased with each repetition of the offence. One-half of all such fines was allocated to the poor of the parish and the other half to the informer and the constable. Stringent laws were made against all who haunted taverns for more than 'ordinary refreshment'; and in addition penalties were to be exacted from tavern keepers who permitted beggars, vagabonds, idle men and women without calling or trade to lurk about their premises. The right of exemption of noblemen and 'landit gentlemen' from the Justice of Peace jurisdiction was also abrogated. The Cromwellian Justices had also to make provision for the parish poor by appointing in each parish two persons 'of good fame and quality' as overseers of the impotent and destitute, from whose list the Justices were able to assess the sum necessary for their maintenance by levies from the inhabitants according to their several means. A check on the overseers was kept by examination of their books and the monies received every six months. Order took the place of disorder; and the Highlands, which had till then proved beyond the powers of the Scottish Privy Council, were as orderly as other parts of the country. 'At no time,' wrote Burnet, 'were the Highlands in better order than during the Usurpation.'¹ 'A man may ride all Scotland over with a switch in his hand and £100 in his pocket—

¹ *History of His Own Time*, Airy's edition, p. 108.

which he could not have done these five hundred years.'¹

At the Restoration all these excellent reforms lapsed: the Cromwellian ordinances were rescinded and the Justices went out of office. But in the Act of 1661 which was to govern the office of Justice of the Peace for more than a century the Legislature had merely re-enacted the Act of 1617, taking, in addition, parts of the Cromwellian ordinances. Justices were for the greater part of that century employed as agents of the Privy Council for carrying out their orders; getting men for the Militia²; signing orders for the transportation of idle vagabonds in favour of ship-owners who, 'out of zeal for their country and the credit of Scotsmen in the foreign plantations and by warrant of Justices of the Peace, . . . have seized several vagabonds and idle persons and shipped them off'³; granting similar authority to army recruiting officers for taking from the tolbooths sturdy beggars and able unemployed for the wars abroad.

The Highways and Bridges Act of 1669⁴ had added to the duties of the Justices by making them responsible for the appointment of road overseers and for the good order of roads and bridges within their shires. The neglect of these duties led the Council to appoint overseers from among the leading landowners,⁵ a change that yielded no better results.⁶ The Council then appointed commissioners of excise as Justices, and they, too, were disappointing.

The Covenanting troubles led to a further departure from the normal duties of Justices of the Peace. The difficulties already experienced by the Council in getting suitable men for the office of Justice of Peace were much greater

¹ *Burton's Parl. Diary*, iv. 169, quoted by Firth.

² *R.P.C.* (3rd Series), ii. *passim*.

³ *Ibid.* ii. 129, 202, 205, 358, 534.

⁴ *A.P.S.* vii. 574 (Act for Repairing Highways and Bridges).

⁵ *R.P.C.* (3rd Series), iii. 160, 307, 358. ⁶ *Ibid.* iv. 27.

during the period of the religious persecutions. Various expedients were resorted to: in 1677 the Council appointed special commissioners to deal with the 'unchristian and factious careage of sundry persons who not only withdraw from the worship of God in their owne paroch kirks, but are guilty of keeping seditious meetings and other disorders of that nature.'¹ Further, appointments were made of special Justices of the Peace with the powers of sheriff depute² for dealing with 'intended conventicles,' 'vagrant ministers' or ministers who preach 'without allowance of their ordinance,' 'intercommuned persons,' all who have attended field conventicles or who have been guilty of illegal marriages or baptisms; all who 'shall contemptuously disobey the discipline and censures of the Church.'³ As these special Justices of the Peace were to hold court once a week besides keeping their eyes upon all suspected of religious nonconformity, the office of Justice of the Peace was no sinecure. For Lanarkshire William Nimmo and William Cochran of Ruchsoyle were appointed in 1679 sheriffs depute for Upper and Lower Clydesdale, Nimmo getting a commission as Justice of the Peace for 'proceeding against delinquents.'⁴ They were actively employed and were paid for their services⁵: one of their inquiries was concerned with those who took part 'in the late treasonable opposition to a party of His Majesty's Forces in Lesmahagow by calling all the feuars and commons of Old and New Monkland, town and parish of Lesmahagow, parishes of Carmichael, Pettinain, Carluke, Dalserf, and Douglas, and ascertaining their accession to a late field conventicle at Cumberhead, in Lesmahagow paroch—what was said there and who wounded or beat any of the king's soldiers or took them prisoners.'⁶

¹ *R.P.C.* (3rd Series), v. 213; vi. 147.

² *Ibid.* vi. 151-154.

³ *Ibid.* vi. 180.

⁴ *Ibid.* vi. 151.

⁵ *Ibid.* vi. 149, 646.

⁶ *Ibid.* vi. 162-163.

The efforts of these commissioners and specially constituted Justices of the Peace and sheriffs depute were evidently unequal to the tasks set them, and in 1683 the Privy Council threatened to punish all who refused the office of Justice of Peace,¹ but did nothing for two more years when they issued orders for fining all such.² At the same time the appointees were to exercise wider powers than those normally given to Justices of the Peace.³ That order was not enforced—or, if it was, no record is left in the Register of the Privy Council. The Council had perforce to make the most of those whose names were on the Commission of the Peace, and when complaints reached the Council of vile highways and decrepit bridges they once more issued orders to the surviving Justices of the Peace. More, the Estates, in this year 1685, passed an Act directing Justices of the Peace to enforce the laws against all guilty of attending conventicles, countenancing 'irregular' baptisms and marriages, and withdrawing from Church ordinances. Fresh appointments were also to be made to the office of Justice of Peace.⁴

The system was far from being effective: indeed it seemed to be at its nadir. The Act of 1685 was repealed in 1690,⁵ and in 1701 a further attempt was made by the Parliament of William and Mary. In the Minutes of Parliament, January 31, 1701, the clerk copies the main part of the Act of 1661 in the scarcely accurate statement: 'Considering how much the appointing of Justices of Peace and constables within all the shires of this kingdom may contribute to the peace, quiet and good government thereof and to the speedy and impartial execution of law and justice and more especially to the effectual execution of the laws made against profaneness and for relief of the Poor and repres-

¹ *R.P.C.* (3rd Series), viii. 170.

² *Ibid.* viii. 472.

³ *Ibid.* ix. 198.

² *A.P.S.* viii. 463.

⁴ *Ibid.* viii. 472.

sing of idle beggars and vagabonds, with all other laws committed to their charge—do therefore with advice and consent of the Estates of Parliament ratify and revive the Act of 1661 . . . except that in place of the Oath of Allegiance therein mentioned to be taken by Justices of the Peace, they shall qualify themselves by swearing the Oath of Allegiance and by subscribing the same with the assurance as they are set down and appointed to be taken by the Act 1693.’¹

The seventeenth-century Justices had been appointed by the Privy Council: henceforth they were to be appointed by the sovereign.² Justices were further to be protected from infraction of the law of wrongous imprisonment (the Scottish *Habeas Corpus* Act).³ Their appointment was not to fall by the demise of the sovereign.⁴

The Justices were, in spite of these Acts, few and of small importance. From that decadent condition they were raised in 1707 by the activities of Queen Anne’s counsellors. The English Commissioners of the Treaty of Union, unable to abolish the private jurisdictions of the sheriffs, stewards, lords of regalities and barons, probably thought that the law would be better enforced by Justices as they were in England. The Proclamation and Commission of August 15, 1707, while reinforcing the Scots Act of 1661, added the supervision of revenue to their long list of responsibilities. In the course of the eighteenth century other duties were placed upon them. They had at last become an established institution.

Their elevation to the level of the English Justices⁵ with the correspondingly extended scope of duties, entirely removed the Scottish Justice of the Peace of the

¹ *A.P.S.* x. ; App. 102.

² *Ibid.* x. 294^b; App. 102.

³ *Ibid.* x. 274^b.

⁴ *Ibid.* xi. 137, 152.

⁵ Later in the 18th century the Justices in England had privileges denied to those of Scotland. Cf. 24 Geo. II. c. 44, and 43 Geo. III. c. 141.

eighteenth century from the impotent state of his predecessor of the seventeenth.

To the Justices of Peace for Kincardineshire may be ascribed an improvement in the criminal procedure of Scotland. In 1709 they, along with the barons and freeholders of the county, presented a spirited Petition to the House of Commons for leave to be exempted from attendance on the Lords of Justiciary on their Circuit. The Petition is a delightful document buried in a volume of the *Journal of the Commons*,¹ and deserving of notice here : ‘ When their kings went their Circuits in person, the freeholders attended them in their respective counties, for the safety of their persons and for suppressing tumults—when family feuds were too frequent there—under a fine at pleasure ; and also any person might privately inform of all sorts of crimes against any person, and his name concealed, for fear of being murdered by the surviving relations of the delinquent. But those Circuit Courts, and the method of exhibiting crimes, has been long discontinued and not in use for many years before the late Union ; and now since the Lords of the Circuit have revived those customs, and expect the same attendance, as formerly their kings had, and fine and imprison for non-attendance, it is a great hardship and grievance upon the petitioners and Her Majesty’s subjects of North Britain : and praying that a Bill might be brought in for freeing the petitioners from that slavish and unnecessary attendance upon the Circuits : and to declare the Justices of the Peace of North Britain to have the same powers and privileges as the Justices of South Britain, so that in every thing that concerns the liberty of the subject, they may be put on the same foot with their fellow subjects.’

The Act, 8 Anne cap. 16, which gave effect to the efforts of the Justices, abolished the old method of presenting crimes

¹ Vol. xvi. p. 266.

to the Circuit Court by 'porteous roll,'¹ its place being taken by written presentment of cases by the Justices to the Lords of Justiciary.² The noblemen, barons, and freeholders were exempted from attendance at Circuit on the Lords of Justiciary, while the Justices were permitted to depute one or two of their number for this duty, 'convenient benches' to be made for them in Court.³

The Justice of the Peace was to continue his progress throughout the eighteenth century. At the close of these Minutes the office was recognised by all as one of the important institutions of the country. It is a happy coincidence that finds the year 1723, when the Minute Book ends, the year in which was published Sir George Mackenzie's sixth edition of *Institutions of the Law of Scotland*. John Spottiswoode, its editor, there remarked: 'For many years . . . till the Union in 1707 the jurisdiction of the Justices of the Peace was very much decayed; but at this time is revived and exereed with great vigour, in virtue of the powers given to them by several Acts of the British Parliament touching the King's Revenue, etc.'

THE JUSTICES OF THE PEACE FOR LANARKSHIRE, 1707-1723

These Minutes of the Lanarkshire Justices of the Peace—one of the two⁴ surviving records of the Justices of the Peace in Scotland covering the years 1707 to 1723—possess a definite historic interest and value. They show the Jus-

¹ Porteous (O.F. *portēis* > L. *portare*) Roll of offences, with information furnished by various persons, to *portuous* clerk, who then sent it to the Clerk of Justiciary. *Hume on Crime*, II. 25-26.

² In practice this duty devolved on the Sheriff. *Ibid.* 26.

³ 8 Anne, c. 16, s. 5.

⁴ The other Minutes being those of the Stirlingshire Justices, 1686-1723. [The Bute Minutes of 1678 are too fragmentary to be of any value.]

tices in their various duties, administrative and judicial, at a critical period in the history of the country and at a time when their office was virtually new. Incidentally the Minutes throw light on some of the political, economic and social conditions of the early eighteenth-century Scotland. As we have already shown, the Justice of the Peace had been introduced to the administrative and judicial system of Scotland a century earlier, but he had not—except during the Cromwellian period—proved, as in England, a success. His very limited jurisdiction and powers had been rendered still more limited and too often useless by the obtrusive, impeding action of privileged sheriffs, lords of regalities, and barons, their bailies and officers.

In the year of the Union of the Parliaments the office was almost extinct.¹ From that moribund condition it was first raised by the 'Commission and Proclamation' of Queen Anne, which, with its nomination of the most powerful lairds of every county, and with its specification of the duties placed upon them, was to revive the office and to set it above and beyond any position known to the Justices of the seventeenth century. Those who knew the earlier history of the office cannot have been optimistic about the future. The old rival jurisdictions were still present and revenue producers. Their owners—heritable sheriffs, lords of regalities, barons and bailies of royal burghs—were not likely to be more complaisant towards an intruded jurisdiction than their predecessors had been. Lanarkshire had many of these private jurisdictions. In addition to the heritable sheriffship of the Duchess of Hamilton, there were the regalities of Hamilton, Crawfordjohn, Glasgow, Gorbals, Dunsyre, Douglas, Carstairs and Braidwood; the baronies of Carnwath and Crawford Douglas, the Commis-

¹ Sir George Mackenzie, *Institutions*, 6th edn., p. 31.

sary Courts of Glasgow, Lanark, Campsie and Hamilton, and the magistracies of Lanark and Hamilton.¹

The conditions too were not normal: Lanarkshire was seething with discontent; many detested the Union; Jacobitism was common. The Duchess of Hamilton was a suspected Jacobite²; her son, the Duke of Hamilton, who held the regality of Hamilton, was the leading Jacobite in Scotland. The Duke is best remembered perhaps because of his tragic death in the duel with Lord Mohun in 1712, portrayed by Thackeray in *Esmond*. Both he and his younger brother Charles, Earl of Selkirk, who was lord of the regality of Crawfordjohn, were nominated Justices of the Peace. The Duke, for obvious reasons, did not accept; the Earl of Selkirk, who had fought for King William, did accept and act.

Those who took office were all men of considerable standing in the county: The Earl of Hyndford and his sons, James Lord Carmichael, William Carmichael, and Daniel Carmichael of Mauldsley—who all took the keenest interest in the duties of the office—were the chief representatives of Lanarkshire. The Earl had been Secretary of State for Scotland from 1690 to 1699, and again, jointly with the Earl of Seafield, from 1699 to 1707; he was founder and Colonel-in-Chief of the regiment of Dragoons—Carmichael's or Hyndford's Dragoons. James Lord Carmichael was a Privy Councillor of Scotland and Colonel of his father's regiment, and on the death of his father in 1710 he became second Earl of Hyndford.

William was King's Solicitor (Solicitor-General) for Scotland jointly with David Dalrymple in 1701, and was M.P. for the county from 1702 to 1707. Daniel, who died in

¹ The Commissary Courts of Lanark, Hamilton and Glasgow were courts concerned with Wills, Successions, Marriage, Divorce and Slander.

² On her death in 1716 her son Charles, Earl of Selkirk, succeeded as heritable Sheriff and Lord Lieutenant.

1709, had suffered for his active part in the Covenanting troubles, and had become a Commissioner of Supply under William III. Alexander Menzies of Coulterallars, an advocate with a large practice in the Parliament House, had raised a regiment for William in 1689 and had a long record of useful public work in the county. There were old Royalists as well as old Covenanters on that first Commission of the Peace for Lanarkshire. Gavin Hamilton of Raploch had served under James VII. as an officer of Militia; was in 1689 a captain in the Earl of Glencairn's Regiment, and still later a major in Hyndford's Dragoons and in Phineas Bowles's Regiment successively. Sir David Steuart of Coltness had, as a boy, taken part in the Earl of Argyle's Rising, had been captured and sentenced to death, from which he narrowly escaped through the influence of his uncle, the Lord Advocate, Sir James Steuart of Goodtrees. Captain Walter Lockhart of Kirkcounie distinguished himself in the affair of Bothwell Bridge, for which he was tried at Glasgow in 1683 and imprisoned. Released on bail and sent to Edinburgh, he took ship to Holland on learning that he would be tortured, and returned on the accession of William and Mary, when he raised a troop for Lord Cardross's Regiment of Horse. These men, along with James Hamilton of Pencaitland, who vacated his commission on the Peace on his appointment as a Senator of the College of Justice in 1712, William Weir of Stonebyres, Sir William Menzies of Gledstains, the Provost of Lanark and Robert Kennedy of Aughtifardell, were the Justices of the Peace who accepted office under Queen Anne's Commission and Proclamation of 15th August 1707. There was at least one dramatic episode in the life of Robert Kennedy¹ and of his son Gilbert (who in 1715 took office as a Justice of the Peace) which deserves to be recorded. In March

¹ Robert Kennedy of Aughtifardell was Deputy Keeper of the Signet, 1699-1702.

1706 Robert Kennedy and Archibald Houstoun, W.S., stood on the High Street of Edinburgh between the Luckenbooths and the Mercat Cross arguing on the merits of a litigation which was then proceeding between them, when Gilbert joined them. Taking up the argument, Gilbert quickly lost his temper and struck Houstoun a blow on the face. Houstoun retaliated by bringing his walking cane down on the head of young Kennedy, who then drew his sword and thrust it through the body of the hapless lawyer. Realising that he had killed him, Gilbert fled and remained in hiding for three years, when he craved the Justiciary Court, through a kinsman lawyer, the pardon available in cases of manslaughter *in rixa* offered by the Act of Indemnity of 1709, and, after opposition on the part of the slain man's relatives, the pardon was granted by the Lords of Justiciary. Robert had stood his trial in the Court of Justiciary in 1706 as 'art and part' in the manslaughter but was acquitted.¹

The first session was held in Lanark Tolbooth² on 9th September 1707, the date fixed by the Proclamation. The Justices elected the Earl of Hyndford as President, the obvious thing to do, and that office his eldest son held after the death of his father in 1710. It was the first President who appointed, as Clerk of the Peace and Constable of the shire respectively, two members of the 'clan'—James Carmichael, writer, and John Carmichael, both residents of Lanark—who continued in their offices throughout the period. For eight months the Justices held their

¹ MS. Books of Adjournal, in Justiciary Office, Edinburgh.

² The old Scots Acts which required magistrates of royal burghs to give the use of their Tolbooths for the sessions of the Justices were ratified by the Act 8 Anne, cap. 15. In 1735 the magistrates of Wigtown, who had refused this right, were ordered by the Court of Session to comply with the Act (Morison's *Dict. of Decisions*, no. 1985). Sometimes the Justices were transgressors of this rule. Those of Lanarkshire in 1687 had sat at Hamilton (*post* p. 3) and in 1719. In 1723 they decided by vote to sit in Lanark and Hamilton alternately (p. 214).

statutory sessions in Lanark Tolbooth, during which time they prepared the way for their successors: they divided the county into four districts for the convenience of the lieges and of the Justices in the several parts of the county, a system which has been maintained by County Councils ever since. Each district comprised a group of parishes, and in the head town of the district were the court, offices and clerk. From the decisions of the petty or ordinary sessions, held in these district sessions, appeals lay to Quarter Sessions in Lanark. The district clerks at Hamilton,¹ Biggar and Glasgow were appointed by the Clerk of the Peace of the shire, and they were, like him, supposed to be paid out of the fines of their courts. They kept books in which they entered the causes heard—books which have long since been lost. The Justices of each district administered the oaths to the constables, who were at first selected, two from each parish, by the heritors. The constables held office for six months, received a wand of office, which each handed to his successor, and their pay depended on fines, on services connected with the statutory road labour, and in assisting Revenue officials.

Though Justices of the Peace acted independently of the sheriff they were nevertheless dependent upon that official for all instructions issued by the Crown.² Their Commissions were directed to the sheriff, whose depute, as a rule, handed them to the Clerk of the Peace. In April 1708 the Justices were summoned by the sheriff-depute to a meeting, on the instructions of the Duchess of Hamilton,

¹ The district clerk for Hamilton was John McQueen, whose signature is displayed on the fly-leaf of the Minute book. He also held the offices of bailie-depute of Crawford and Crawfordjohn and commissary clerk of Hamilton, in addition to a practice as notary public and procurator, all which enabled him in 1711 to purchase the Mains of Braxfield, from which his famous son, Robert, who became Lord Justice-Clerk Braxfield, derived his title.

² All Commissions of the Peace are prepared by the Clerk of the Crown in Chancery, to whom Clerks of the Peace in every county and burgh return the Commission when requested (along with fee) for additional names,

sheriff principal, who had had two letters, one from the Under-Secretary of State, the other from the Privy Council, addressed to the Justices. These on being opened, and, by order of the Court, read by the Clerk, proved to be the Act of Security with instructions to the Justices to administer the oath of abjuration¹ to all those whom they regarded as 'dangerous and disaffected' to the Crown. This oath bound all who took it to maintain and defend the right and title of the reigning sovereign against the 'pretended Prince of Wales and his adherents.' Whether the Justices ever discovered the suspected Jacobites cannot be ascertained from the Minutes, which are silent, but they lost no time in administering the oath to all the public officials of the county. From every corner of Lanarkshire they came to Lanark town on 1st May 1708 on horse and afoot—the High Street full of lawyers and folks at market, the officials and lawyers going to, or returning from, the Tolbooth, where the Justices were busy administering the oaths of allegiance, supremacy, abjuration and *de fidei administratione*. These sheriffs, depute and substitute, bailies and bailies-depute, clerks of court, commissaries and commissaries-depute, notaries, procurators and writers, whose names are here recorded, furnish the earliest of all Scottish legal and official directories.² The only absentees from the Tolbooth were the members of the Town Council of Lanark, who sent word that they would wait until the strangers had taken the oaths before they came. By three o'clock in the afternoon the last of the strangers had gone and the Justices waited for the Town Council. They resolved to adjourn the session to Thomson's inn, where

¹ The oath of abjuration was originally introduced in the reign of William III., was continued, in altered form, by the Parliaments of Anne, George I. and George III., and was exacted from all holders of public office until 1868 (31 & 32 Vict. c. 72; 34 & 35 Vict. c. 48).

² Lists of similar officials and of ministers, officers, excisemen and schoolmasters are given in later years.

they would receive the councillors. There they sat until sunset, but the councillors did not come and the Justices decided to depart, but on the entreaty of one of their number agreed to wait in 'Mr. Young's' inn. 'For some considerable space' they sat there without the company of the truant councillors and then departed for home. The clerk fails to explain the absence of the town councillors; probably they sat too long in another inn!

At their next session, held on 11th May, after the Justices had made further appointments of constables, the clerk read the 'Act for rendering the Union of the two kingdoms more entire and complete' which was to change completely the status of the Justices of Scotland. The Scottish Privy Council was abolished and in its place—as from 1st May 1708—was the Privy Council of Great Britain. Thenceforth the Scots Justices were to exercise, in addition to their old powers, all those which the English Justices had been used to exercise before the date of the Union. The commission itself, though dated 13th May, was not read until the October session, the Justices continuing in the interval to act under their Scottish commission,¹ but extending their duties to tendering oaths to the officials of Customs and Excise. When at last the new commission was recited the Justices must have been amazed to find that, in addition to their own law officers and Lords of Justiciary,² the English law officers and archbishops and all members of the Privy Council³ were 'Justices of the

¹ Along with this commission and with those of 1714 and 1716 was a writ of *Dedimus potestatem*, an accompaniment of all Commissions of the Peace until 1878. It was directed to five members, who were responsible for the administration of the oaths to the other members of the commission and for the return of the commission to the Crown Office.

² Modern Scottish Commissions of the Peace designate 'Judges of our Court of Session' in place of the older Lords of Justiciary.

³ The long lists of names of the Privy Councillors were in all commissions until 1878, after which they were omitted in favour of the collective form 'members of our Privy Council.'

Peace in our shyre of Lanark ' for preserving the peace and for enquiring into many forms of crime including witchcrafts, enchantments, magical arts, sorceries, fore-stallings, regratings . . . with power to punish offenders by fines, redemptions . . . and otherwise, in accordance with the law and custom of the land. In cases of difficulty they were not to proceed to judgment except in presence of a lord of Justiciary.

After the recital of this commission the Justices formally ' dissolved themselves as a meeting ' and then reconstituted themselves as duly appointed Justices in session by swearing and subscribing the oaths prescribed.

Thus began the career of the Justices of Great Britain for the shire of Lanark. To their old duties of preserving the peace, and punishing those guilty of sundry crimes, taking care of the highways, bridges and ferries, controlling constables, repressing ' masterful beggars ' and Egyptians, regulating the prices of labour and the contracts between masters and servants, and seeing that the standard weights and measures were used throughout the county, the Justices were charged to see that taxes were paid to the Excise and Customs officials, to settle disputes that might arise between these officials and the public, and punish contraveners of that branch of the law. How they fared in each of these departments will be discussed later. Of the uncommon classes of duty which they performed there are two recorded in the Minutes : one, in the application by the mother of an illegitimate child for aliment from the father ; the other, the treatment prescribed for restraining, if not curing, a violent maniac. Justices had jurisdiction in cases of aliment, but the procedure adopted in the application of Geils Riddell, who had gone to one of the Justices craving decree of aliment against John Dyks, seems unusual as well as harsh. The Justice had fined Geils and the father £10 Scots each and remitted

payment of the £20 to the Kirk Session, leaving the award of aliment to be decided by the Justices in Quarter Session. There is no record of any aliment having been settled, but there is here the receipt by the Minister and the Session Clerk for the money which was to be given for the benefit of the parish poor, except £8 for the clerk and a constable.¹

The unfortunate maniac, after capture and imprisonment and examination of witnesses, was bound and sent to his own home and nourished on bread and water 'until his reason returned'—the parish to be taxed for his maintenance.²

Political 'storms' which now and then marked the early years of the eighteenth century are scarcely hinted at in the Minutes. One of these storms arose out of the Toleration Act of 1712, a measure which, owing its inception to the Tory laird, Lockhart of Carnwath, permitted Episcopalians to worship after the manner of the Church of England, provided the clergymen presented to the Justices their letters of ordination and subscribed the oath of abjuration. The Act was, for another reason, detested by many presbyterians, namely that it restored the right to the chief heritor of every parish of appointing the minister, and, moreover, required all ministers of the Established Church of Scotland to subscribe the oath of abjuration. The ministers of the county, with the exception of six from Biggar presbytery, took the oath, the Biggar ministers presenting instead a Declaration which evidently met the requirements of the law. There was an unnecessary display of protest by the Principal of Glasgow University, John Stirling, and the Professor of Divinity there, the Rev. John Simpson, who, attended by a notary, 'took instruments' on the ground that, though ministers, they were not engaged in regular church work. On the next occasion, in 1715, they both took the oath without fuss.

¹ p. 122.

² p. 136.

The events of the year 1715 naturally affected the Justices in their sessions. The Act of George I.¹ 'for preventing tumults and riotous assemblies and for the more speedy and ready punishing of rioters' was read at the August Quarter Session, when the Justices charged the constables in all parishes to preserve the peace and to report any breaches that might occur.² No such reports are mentioned, and though there were ten sessions held in that year no business was done except that of swearing in officials, which led the Justices at their session in March 1716 to decide that, 'considering the troubles that have lately happened in this kingdom, the Justice of Peace courts have not been so frequently, and orderly kept as . . . the law requires, and therefore they excused the constables who had not appeared.'³

The clerk did not report the defection of John Walkinshaw of Borrowfield. Walkinshaw, who received his commission as Justice of the Peace from George I., took the oaths of allegiance and abjuration at a session in June 1715, after which his name disappears from the Minutes. His oaths sat lightly upon his conscience, for he fought at Sheriffmuir as a lieutenant-colonel under Mar, was captured and lodged in Stirling Castle, where John Aird, a fellow Justice of the Peace and provost of Glasgow, was stationed at the head of 300 Glasgow men. He reported having seen Walkinshaw put in, but failed to see him go out dressed in his wife's clothes and make good his escape. Walkinshaw joined the Chevalier abroad, became his agent, and was the father of Clementina, who was to become wife or mistress of Prince Charles. Nor did the clerk report that the Duke of Douglas had also gone to Sheriffmuir with 300 of his Lanarkshire vassals to fight for the Chevalier; nor yet did he mention

¹ 1 Geo. I. st. 2, c. 5. This is the well-known Riot Act, which is still in force.

² p. 158.

³ pp. 162-163.

that two Justices—Weir of Stonebyres and Menzies of Coulterallars—spent their time in drilling their vassals in the interests of the Government.¹

There were some other items which he ought to have recorded and did not, and some which he ought to have recorded more fully. In 1719, 1720 and 1721, for example, all Scotland was agitated by the news of a Bill before Parliament which had for its object the prohibition of the use of linen in dress, house or furniture. Every burgh and every county had its petition sent to the House of Commons craving that the national industry of Scotland might not be ruined. The Justices for Lanarkshire, in their petition, wrote: 'That being assured the woollen and silk manufacturers of England have petitioned against wearing and using printed, painted and stained linen without excepting those of British manufacture: that the linen manufacture is the only one left in Scotland and wholly the labour and industry of the people and whereby the poor are chiefly subsisted: and if the petitions aforesaid be granted . . . the trade and people of that country will be greatly diminished, and many families ruined and thousands of poor reduced to starve.'²

There were somewhat similar petitions from Glasgow Town Council and from the weavers and linen manufacturers, who complained of the great quantities of foreign linen imported and of the high duty of 3d. on every ell of linen stamped, stained or printed—pointing out that 'many thousands of poor people are reduced to extreme poverty and the linen manufacture, which was the staple commodity of Scotland, is likely to be utterly lost to them,' and craved to have the manufacture free of duty³; from the magistrates of Rutherglen, who told

¹ Hunter, *Biggar and House of Fleming*, pp. 334-335, 562.

² *H. C. Journ.*, xix. 240.

³ *Ibid.* xix. 686.

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how there were 'as many manufacturers as families and the poor subsisted by their labour in manufacturing flax into linen cloth.'¹

The agitation was partly successful, for the Act which was passed in 1721² in the interests of the woollen and silk industries³ did not affect the linen workers, while it made illegal the use of British printed calicoes in dress, house or furniture. It would be wrong, however, to infer, in spite of their supporting petition, that the Lanarkshire Justices were friends or supporters of the linen industry.⁴ They were not, for they had, in 1718, forbidden farmers to grant to their servants the patch of ground on which to grow lint, which had been their customary privilege. Moreover, though it was the duty of the Justices, in terms of the Act of 1711,⁵ to appoint stamp masters, under oath *de fidei administratione*, for the purpose of examining all linen cloth intended for sale or exportation, before certifying that it was of 'well sorted yarn, equally wrought and of equal fineness' throughout, and stamping it, yet the Justices did nothing about it for nigh ten years beyond suggesting periodically that they ought to put the law into execution.⁶ Their last reference to the matter in these Minutes occurs under date May, 1723, when they 'ordain the writ anent the making of linen cloth . . . to be transmitted to the Justices for Glasgow, where the greatest part of the linen cloth is made within this shire.'⁷

¹ *H. C. Journ.*, xix. 214.

² 7 Geo. I. st. 1, c. 7.

³ An anonymous writer of 1730 deplored the decline in popularity of linen and wool in the dress of men and women. 'Silk,' he said, 'is more universal than formerly, and velvets and rich silk stuffs are worn.' He urges all to 'return to the old home produce—Glasgow plaids, linen or wool stuffs. Convince men that they look better in cloth suit than a laced one, and that cloth is more becoming than velvet or silk.'

⁴ 'Landed people have beheld, with some degree of envy, numbers rising into consequence by the effects of industry' (*Agric. Survey of Clydesdale* (1798), p. 160).

⁵ 10 Anne, c. 21; 12 Anne, st. 2, c. 20.

⁶ Cf. pp. 164, 193, 205-206.

⁷ p. 213.

MASTER AND SERVANT

If the Justices were apathetic in the question of the linen industry that charge cannot be levelled against them in other departments of labour. The unhappy lot of artizans and farm servants of the early eighteenth century is suggested by the regulations¹ made by the Justices in accordance with the Act of 1661. Masons, wrights, plough-wrights, tailors, thatchers, labourers and barrowmen, and the various grades of farm servants, had their wages settled for them by the Justices, who were supposed to revise these each year at their August Quarter Sessions. While masters were at liberty to pay their workers as little as they pleased, they were forbidden, under penalty of fine, to pay more than the sum fixed by the Justices. The only classes of artizan who appear to have escaped the scrutiny of the Bench are saddlers, shoemakers, blacksmiths, lorimers² and the linen workers (including weavers) who formed the majority of the industrial population of the county.

The main energies of the Justices were directed against the farm workers, who had been stigmatised by land-owners as 'oppressors of the poor farmer.' In the preamble to the Act of Parliament of 1621—'Against servandis going lowse, leaving their maisteris service'—they are blamed for 'the great straits and neecessities whereunto the poor labourers of the ground (*i.e.* farmers) are driven and constrainit' . . . either by refusing to be hired 'without great and extraordinary wages promised unto them, or otherways hire themselves only from Martinmas to Whitsunday, and efter that cast themselves lowse of pur-

¹ The provision was first made in 1617. The wages which were paid in 1622 were doubtless paid in accordance with that Act (*Scot. Hist. Soc. Misc.*, iii. 187). In 1656 new regulations were made (Firth, *Scot. and Protect.*, p. 405). The Justices were deprived of their right to fix wages in 1813 (53 Geo. III. c. 40).

² *Lorimers* were makers of bridles, bits and spurs.

pose to work at daylie or weeklie wages.' That Act made both practices illegal: none was to quit his employment unless he could show to a Justice of the Peace that he had been hired to another farmer from Whitsunday to Martinmas. Failing that, he was to remain in his employment, and if he deserted he was to be imprisoned by the Justices.¹

The zeal which the Justices of 1707-1723 manifested in making their regulations suggests that they, as landowners, were more concerned with the wages that had to be paid than were the 'poor farmers,' who, as a rule, managed their run-rig farms with the aid of their own families and that of their neighbours.² The shortage of farm labour was notorious, and yet the Justices, aware of that fact, made rules which must have tended to make that shortage still more acute. Instead of offering higher wages they restricted them; the time-honoured perquisites of farm workers were gradually taken away—bounties, the drink of ale every four hours at work, and finally the piece of ground on which to grow lint. The Justices evidently relied on the reserves of craftsmen, whom they could compel to work on farms.

From the repeated threats of fine and imprisonment against farmers and servants who respectively offered and accepted higher wages than those laid down in the regulations it is evident that the Justices' orders were not obeyed. Some farmers secretly continued to pay higher wages to good workers in order to keep them, and the Justices, suspecting the practice, offered half of the fines to informers. The others who were paid the ordinary—

¹ *A.P.S.* iv. 623.

² A pamphleteer, *circa* 1730, wrote: 'You landowners live too far from your estates to need the services of the poor tenants. They are mostly the property of bailiffs and chamberlains who manage your estates, very often for themselves, more than for your lordships; and by grinding the faces of your poor tenants with double the service you would allow yourselves to take of them and bribes to keep the highest bidder.'

or less than the ordinary—wages and who quitted their places when it suited them, were warned to remain in their employment, otherwise they would be punished as ‘vagabonds.’ In 1716 the Justices permitted them to leave if they gave forty days’ notice, but they had to show a certificate from their last employer before applying for another place. Sometimes the Justices provided the certificate.¹ The old freedom to move from one place to another which the farm worker had enjoyed was lost: in 1716 he had to engage for six months’ service, and in 1718 a whole year was the legal minimum period of engagement. If a woman servant married she had to continue until the close of her working engagement or provide a substitute.

In 1718 it occurred to the Justices that the more expert farm workers might have an increase in their wages.² Accordingly they made the first alteration on the table which they had drawn up in 1707 by classifying the men and women servants as ‘best’ and ‘second sort’—the

¹ The Justices of Peace for Ross-shire in 1767 granted a certificate in favour of a grieve in the following terms: ‘Wee, the Justices of the Peace hereto subscribing, do certify and declare, that the bearer hereof, George Calder, from the county of Aberdeen, served Lady Kilcowie in station of a grieve, behaved himself honestly and morally for the course of five years in her service, and may be received into any Christian society; and the same is attested by us’ (Dunbar, *Social Life in Former Days*).

² There are very few differences between the wages paid by the Lanarkshire Justices of 1718 and those paid in 1751 by the Dumfriesshire Justices. The good or best kind of farm worker got £2, 10/- stg. yearly or £2, 5/- with two pairs of shoes; the thresher who worked at other parts of farm work in summer had £1, 16/8d. stg. or £1, 11/8d. and two pairs of shoes; the young man (halfin) 18/4 or 13/4 and two pairs of shoes; the ‘strong, sufficient woman for byres, barn, shearing, brewing, baking, washing and other necessities within and without the house’ . . . 30/- or 25/- and two pairs of shoes; the lass who can spin or card in winter season and herd in summer . . . 16/8 or 13/4 and two pairs of shoes. The money was sterling, and therefore about twelve times the value of Scots money. In 1798 the Lanarkshire farm servants were better paid than the Midlothian farm servants. Men servants had from £13 to £16 per annum; women servants from £5 to £7 (*Agric. Survey of Clydesdale*, 1798, pp. 134-135).

men of the best class getting their yearly wages increased from £24 to £28 Scots ; the second sort £18 ; while the best women servants had their wages raised from £14 to £16 and the second sort were allowed £10 Scots. The men servants had to ' plough, sow, build stacks, drive carts, and lay on loads ' ; the women were expected to ' bake, brew, wash, work in barns and in byres and help in the harvest field.' The other classes of farm worker—the immature ' halfpins,' boys and girls—got, in addition to food and drink, £16, £8 and £8 respectively. An important assistant in all large farms was the thresher, known as the ' Tasker,' who seems to have been paid altogether in kind—at least there is no mention of any money wages. The tasker was a married man, whose wife worked on the farm as a hynd's wife ; they had a cot house and kailyard, a boll of meal in summer and grass sufficient for keeping a cow or five sheep (a ' soume's grass') and the twenty-fifth part of all that he threshed, a right known as the ' lot or proffe ' ¹ ; and meat and drink for himself and his wife for their work in harvest. When he was not engaged in threshing he had to perform all the necessary work of husbandry. The extra taskers who were employed for harvest only—for ' some few weeks or days '—were entitled to the twenty-fifth part of what they cut—' and no more.' ²

The other temporary workers—shearers, workmen and labourers—had been paid a set fee until 1707 when the rule was made that they were to be paid *per diem* as follows :—men shearers 6s. Scots per diem, women shearers 5s., young men (halfpins) shearers 4s., ' younger maids ' shearers 3s., each with food and drink. These posts, which the regular farm servants secured after completing their quarterly term, were barred to them in 1716 by order of the Justices who required all to engage for six months'

¹ pp. 18-19.

² p. 18.

service. But that order was evidently of no effect, for in March 1718 the Justices complain of 'the great inconveniences and vast expenses to which tenants and labourers of land are subjected by labouring servants "casting themselves out of service during the whole, and being idle a great part of the summer season, to the great discouragement of industry and improvement of land, and frequently to the hazard of the crop."' ¹ With the view of mending that state of affairs the Justices thereupon enacted that all engagements should be for one whole year but that masters might dismiss unfit servants on giving six weeks' notice, a concession which, doubtless, was fully utilised by servants as well as by masters. The numbers who left without conforming with the regulations, finding better pay in other counties, induced the Bench to appoint delegates to meet the Justices of neighbouring counties in order that uniformity in wages might be obtained.² We do not learn what were the fruits of these conferences, but there are reports of further trouble between masters and servants, and more exoduses of servants—without the necessary certificates—from their parishes.³ A bailie of Biggar in 1721 threatened those who left the parish in search of better paid posts with fines of £10 each.⁴

The Justices had plainly failed to remedy the defects in the relationship of master and servant in the realm of agriculture; for them, as landowners and employers, the servant was a bad person. And yet, at the close of the century, when farm servants were working 'only ten hours' each day, and were stigmatised as hirelings, fond

¹ p. 186.

² p. 192.

³ Imprisonment of servants who deserted their employment was later regulated by Act 4 George IV. c. 34. In terms of that Act a Justice of the Peace for Dumfriesshire, in 1846, sentenced a young woman to three months' imprisonment with hard labour for having broken her six months' engagement as 'kitchen woman and byre woman' (1 Arkley's *Justiciary Cases*, 33).

⁴ Hunter, *Biggar and House of Fleming*, p. 344.

references were made to the farm workers of the earlier times as conscientious and able and model servants.¹

The craftsmen and labourers appear to have given no trouble to the Justices until near the close of the period, when there is mention of labour difficulties. They received one-sixth less in winter—*i.e.* from October 1 to February 28—unless they worked in candle light, as the tailor did. Masons and plough-wrights were paid at the rate of one merk each day—or half a merk with food and drink; wrights, 12s. a day, or 6s. if food and drink were supplied; thatchers had 10s., or 6s. with food and drink. Their workmanship was probably as good as that of the English thatchers but not quite so enduring as that of the Lincoln reed thatchers mentioned by Dr. Johnson, whose roofs were alleged to have endured for seventy years. Barrowmen and labourers had 6s. a day, or 3s. with food and drink. The tailors who worked in the homes of their customers, where they got their meals, were allowed forty pence a day. They worked for the whole household. One of these tailors was a witness in an action in 1722 in the Court of Session between Weir and Dr. Marshall. Muir, a tailor, was said to have ‘wrought a considerable number of days in our family and altered a black plush coat, tipt the buttonholes with silver twist, made down father’s scarlet breeches for Jimmy.’²

CONSTABLES : CRIMES

The constables were of very little use in reporting infringements of these rules. They were new; they were inefficient, which is not surprising in view of their many duties, the frequent disorder in most parishes, caused by idle and masterless men, masterful beggars and armed

¹ *Agric. Survey of Clydesdale* (1798), p. 173.

² *Session Papers* (Signet Lib. Coll.), vol. 72.

gipsies, and the fact that for an entire parish there were but two constables—and these, acting under compulsion for six months, had little interest in their duties.¹ While the Justices were making their first appointments, two men flatly refused to serve and were fined and put in prison, a precedent which was kept in mind by all on subsequent occasions. The only householders who were exempted from service were lairds whose lands were of not less than 40s. yearly landowners' value.² The constable for the shire, who was a permanent official, and presumably the chief constable, must have been consulted frequently by the Justices during the years he held office (1707-1723) and he must have given reports, yet he is never referred to by the clerk. After a year or two the Justices, evidently tired of appointing the constables, left the selection to the people of the parishes, who lost no time in sending up the weak and infirm to the Justices in Quarter Sessions, in order that they might take the necessary oath of fidelity—men who afterwards on attending Quarter Session, prior to getting their discharge, when asked: 'What crimes, trespasses, offences and breaches of the peace have been in your bounds?' returned the unvarying answer: 'None'—no matter how many crimes and breaches of the peace had occurred. It was not until 1718 that the Justices stopped the practice of appointing these 'frequently unfit men' by making the district Justices responsible for the fitness of the constables.

One constable, and one only, has the distinction of special mention for meritorious conduct. John Hamilton,

¹ There seems to have been little improvement in the course of the century, for in Tait's treatise on the Constable, published in 1812, it is stated that 'For want of information as to their powers and duties, constables are of much less use . . . than they otherwise might be.'

² John Lecky, owner of a 40s. freehold, which he held of the Crown, was summoned in 1708 to serve, but on showing proofs of his status, was exempted (p. 54).

who captured in Lesmahagow a thief who stole money from John Lindsay, and maintained him in prison out of the stolen money, accounting for everything to the Justices, was held to have deserved their commendations and gratuity. Trained dogs were said to have been used for tracking criminals,¹ but the Minutes contain no reference to that practice, nor do they mention another habit, common in all country districts, of a constable hiring a horse on which to convey himself and his prisoner to a distant gaol. Buried in the journals of the Justiciary office is the record of a small procession making its way over a wide moor to a town tolbooth: there is the constable in the saddle, and his prisoner mounted behind him, pillion-wise, while on foot, in front and in rear, is the escort, two men, each armed with a stick.

The law which requires all to assist a constable who asks for help, was in force in 1708, and was certainly much needed when bands of armed gipsies were wont to make trouble. In 1711 the Justices were much alarmed by the report that a large army of 'vagabonds, sorners, lowse and idle persons . . . particularly those commonly called Egyptians, had gathered together in companies and are passing through the country armed with swords, guns, pistols, durks and other such like weapons, and especially in the hilly and mountainous places of the said shire and of the shires of Tweeddale and Nithsdale and steuartry of Annandale . . . and daily were committing the crimes of theft, robbery, breaking of houses by night and by day, and assassinating and invading the persons of men and women and taking their goods from them. . . .' This recalled to the mind of the clerk of the Peace, or one of the Justices, the Acts of Parliament of James VI., which are set forth at pages 116-117. The Justices then gave instructions that all constables should 'with all possible

¹ Rev. J. Brome, *Travels over England, Scotland and Wales* (1700), p. 192.

speed certify the nearest Justice or some of the chief persons of authority or credit ' as soon as these wild people arrived within the shire . . . and the constables were enjoined to do their utmost in searching for, taking and apprehending any whom they knew to be about, and to present them before the Justices ; and the community were directed to report any constables who were negligent.¹

One cannot blame the clerk for omitting from the Minutes references to all the cases which were decided by the Justices in Quarter Sessions, but he ought to have at least mentioned one which, though decided in the district court of Glasgow, resulted in the Justices for that district being summoned to the High Court of Justiciary as defendants in an action brought against them by one whom they had punished. William Macrae, who was the cause of the Justices having to post to Edinburgh in 1713, to explain to the Lords of Justiciary why they had taken upon themselves to condemn him for an offence which had been dismissed in the Circuit court, had been an apprentice with a merchant tailor in Glasgow until his master's death. He had been charged by his master's widow with the theft of large quantities of silks, serges, plushes and velvets, grograms and damasks, men's stockings and women's stockings. In due course he was tried by the Lords of Justiciary on Circuit and discharged owing to lack of evidence. Later he appeared before the Justices of the Peace in Glasgow and, as a masterless man, was sent to Glasgow tolbooth, there to await the arrival of an army officer, for service in Her Majesty's Forces. This, the Justices were entitled to do in terms of various Recruiting Acts of Queen Anne's Parliament.² Macrae, however, conceived that he was persecuted for his former alleged offence by his old master's widow and her partner,

¹ p. 118.

² Notably 6 Anne, c. 10.

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and, avoiding appeal to Quarter Session, wrote a long and harrowing supplication to the Lords of Justiciary in Edinburgh, reminding them that they had acquitted him of the crime for which the Justices had now punished him. When the Justices appeared before their lordships in Edinburgh they brought their Minutes with them along with further evidence, which showed that Macrae had twice voluntarily enlisted, twice received a recruit's bounty, and twice deserted. The Justices were vindicated and Macrae was once more consigned to a tolbooth and to the army.

It would have been interesting to know how many men and youths the Justices sent to the army in virtue of those Recruiting Acts. There was William Baillie, one of the large tribe of Lanarkshire gipsies, whom Daniel Carmichael of Mauldslie, Justice of the Peace, sent in 1708. William was back in Lanark tolbooth three years later as a deserter, and after some more years of thieving and sorning he was sent along with John Baillie to stand his trial on many counts in the High Court. John had been before the Lanarkshire Justices and had been transported to America, whence he had managed to return home to his old Lanarkshire haunts and evil practices. They were ingenious rogues; for, by means of a certificate signed apparently by the Lord Justice-Clerk Erskine of Grange, which bore that they were braziers who might travel in the exercise of their trade through Lanarkshire and Dumfriesshire, the two 'pretended braziers' were able to commit their many crimes. In the High Court they were charged as 'vagabond sorners, oppressors of the lieges and robbers' . . . and with having 'frequently and at divers times since 1709, come with a considerable number of their accomplices, to the house of William Govan in Watsonhead, in the parish of Carluke, and there taken up quarters in his house or outhouses . . . or have forced or obliged Govan, through

fear of them, to admit them into the said houses, where they did take, at their own hand, meat and drink, as they wanted, and on these occasions 'tenants in the neighbourhood had either sheep, lambs, money or some other goods and gear stolen, their stacks drawn and other damage done.' They were allowed to go 'no more a-roving,' but were sent to end their inglorious careers on the gibbet in the Grassmarket.

One wonders whether the Annandale tinkers who stole and fought would have shared that fate if they had been remitted to the High Court, instead of having their case decided by the Justices in 1718. They were desperate characters, as may be gathered from the long narrative of their misdeeds on pages 224-234, yet the Justices, after sentencing the culprits to twenty days' imprisonment with frequent whippings, branding of the face with hot iron and cutting off the ears, actually remitted the punishment on their piteous appeal, and allowed an aged member of the gang to leave the town of Lanark on condition that he would never return, and the others to become indentured servants to a Glasgow merchant for five years !

There are two murders to be noted : one which occurred in Lanark town in 1714 and is not mentioned in the Minutes ; the other, belonging to the year 1718, of a person at Blindwells in Cambusnethan parish. The Justices take steps to ascertain the identity of the murderer by sending some of their number to make investigations.¹ Why they mention one and not the other it is difficult to understand. Patrick Hamilton, younger, of Green—an estate which now belongs to Lord Belhaven and Stenton—had on an April day in 1714 ridden down the High Street of Lanark to the inn door of John Arkle, to whom he spoke angrily about a sword slip which he had left on a former visit. Then, drawing his sword, he had stabbed Arkle to the heart and

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cleared off. Those who had been in the inn, along with the surgeon ¹ who attended the dying man, gave evidence in the High Court in 1716, when Hamilton, found guilty, was sentenced to be *beheaded*, a concession accorded to 'gentlemen.'

The commoner cases of assault find no place in the Minutes, only the trial of Walter Carmichael being minuted by the clerk. A son-in-law of a former laird of Annieston, he had lost money as cautioner for his father-in-law and had litigation in the Court of Session over other money matters. As a tenant he had probably had to endure the hardship of eviction ² because another had offered a higher rent, for tenants had then seldom leases or fixity of tenure and there was always dubiety about the expiry of pasture rights. One has the feeling that Walter Carmichael had been harshly treated even to the point of his arrest. It seems like vindictiveness to send a number of dragoons at midnight to arrest a man. The tediously long proceedings, which fill fourteen pages of the Minutes, are not peculiar to the Justice of Peace court, but were common to all Scots courts until 1783, when written pleadings were dropped.

There was evidently no miscarriage of justice in the sentence passed on Walter Carmichael for his violent assault on his successor in the farm of Annieston; but there was in another case in which a Justice of Peace, the provost of Rutherglen, acted as judge and prosecutor.³

¹ William Inglis, provost of Lanark, and Justice of the Peace, 1709-1710; 1714; 1718.

² In 1711 John Carmichael, a sub-tenant of the Earl of Hyndford, was evicted from Know, in the park of Douglas, by the Chamberlain of the Duke of Douglas, simply because Hyndford, his landlord, who was a tacksman of the Duke, had died (Fountainhall's *Decisions*, ii. 659). Bertram, who was a J.P., was married to a sister of Walter Carmichael, *supra* (Fountainhall, ii. 488).

³ Andrew Leitch, provost, merchant in Glasgow, was twice charged in the High Court with acts of oppression and malversation, but was acquitted on both occasions (MS. Books of Adjournal in Justiciary Office).

James Fairy, a neighbour, had land which adjoined that of the provost, who charged Fairy with having removed the march stone between their lands, and with 'tilling in the baulk,' *i.e.* tilling the soil between the rigs, and, having had Fairy cited to court, actually decided the case himself, by fining Fairy and putting him in prison.¹ Matters were only put right by the Lords of Session, to whom Fairy, from his prison, had appealed.²

FORESTALLING AND REGRATING

For the two years, 1709-1710, the Justices tried hard to put down the offences of *forestalling*—*i.e.* buying goods before they reached market, or before it was formally opened, in order to resell at enhanced prices; and *regrating*—*i.e.* buying all the goods that were exposed in the market in order that they might be sold elsewhere outside the market. Their attempts, which proved as fruitless as had those of the Scots Parliament of the sixteenth and seventeenth centuries, may be partly explained by the statement of a legal authority, who wrote in 1707³ that these crimes were common, but convictions were rare, because of the difficulty in specifying the time and place of an offence. The Justices would have attributed their failure to the negligence of the constables, who were wont to allow meal men, coupers, and carriers to pass unchallenged when carrying more than the legal amount of oats or other victual. The constables had been reminded of their remissness and were instructed to search these traffickers, and, where they found

¹ The powers which the Justices were in the habit of exercising—branding the faces of thieves with hot irons, whipping, nailing ears to the tolbooth door and transporting overseas—were rarely used towards the end of the 18th century (*Report of Royal Com.*, 1783, *cit.* Hutcheson, *Office of a J.P.*, i. 24).

² Fountainhall, *op. cit.*, ii. 666.

³ W. Forbes, *Duty and Powers of a Justice of the Peace*.

any with more than two bolls, to seize the goods and lead the offender before the nearest Justice of the Peace.¹ The Justices' 'Act and Ordinance' of March 1710, under which the constables were to perform these duties, also provided for the maximum of oats, wheat, bear and peas to be kept by owners, except brewers (who could have as much bear as they wished). The other classes of the community were to thresh all their grain by June 20 following, a date which was altered, at the session of April 4, to the last Tuesday of May,² and were to keep only what was sufficient for their own use and that of their families and servants—any surplus to be sold in market or at their barns, girnals, or 'magazines.' The constables were to make lists of all traders, mealmakers, coupers, and carriers, and to give these to the clerk of the Peace. 'Nothing seems to have been done, for in March 1711, when the last reference to the subject is made, the Justices intimated that the laws against forestalling and regrating would be put into execution and that informers would 'have the gratification allowed to them by the law.'³

SABBATH PROFANATION

As executors of the laws against cursing, swearing, and Sunday profanation the Justices do not appear to have displayed much enthusiasm. In common with the Justices of every other county and the magistrates of every royal burgh throughout England and Scotland, they made public, by printing and publishing at every market cross and in every church in the county, not only the Queen's proclamation 'For the encouragement of piety and virtue and for the preventing and punishing of vice, profaneness and immorality, and particularly to put to

¹ pp. 92-93.

² p. 96.

³ p. 110.

punctual execution the laws and acts of Parliament for observation of the Sabbath day . . .,' but specified the things which the lieges must refrain from doing on Sundays, such as 'using handy labour, passing to taverns and ale-houses, selling meat and drink, wilfully remaining from the parish kirks in time of sermon and prayers . . . unlawful and unnecessary travelling, carrying packs, loads, driving cattle to fairs and markets,' . . . and 'otherways committing gross profanations of the Sabbath day.' The constables were ordered to keep an eye on all offenders, and to apprehend all of whatsoever degree, guilty of any infringement of the law.¹

There was no further reference to the subject. The Justices made the above announcement at their October Quarter Session ; five months earlier the Justices of Midlothian had published their 'Act' in terms of the same royal proclamation, which, when examined along with the Lanarkshire Justices' Act, suggests some interesting comparisons and contrasts between the Sunday habits of the people of these two counties. In both counties there were absentees from church and those who 'haunted taverns.' The Midlothian Justices included swearers and cursers among those who were to be punished ; the Lanarkshire Justices made no reference to these, though they were presumably as prominent in Lanarkshire as in Midlothian. On the other hand, drivers of cattle to fairs and markets, the users of handy labour, carriers of packs and 'unnecessary' travellers were not in the catalogue of the Midlothian Justices' edicts—the chief diversions in the county of the capital having been evidently in the 'parks, fields, rivers and links or other places . . .,' where they 'engage in idle converse and other sinful and scandalous communications ; several not standing in awe to swim or bath in the rivers or sea.'

¹ pp. 84-85.

The Midlothian Justices resolved to hold a court weekly for dealing with such offenders, the fines from whom would be allocated as follows: one-fourth to the constable who arrested, one-fourth for cost of prosecution, and one-half to the Kirk Session for behoof of the poor of the parish in which the delinquency occurred.

Although similar proclamations continued to be issued by every subsequent sovereign until 1832, the evils complained of likewise persisted, as we learn from the Report of a Select Committee of the House of Commons of 1832. That Committee recommended Parliament to make stricter laws for the due observance of Sunday, and referred to the last of the time-honoured proclamations, viz. that of William IV., 'For the encouragement of piety and virtue and for the preventing and punishing vice, profaneness and immorality,' . . . which, as read in open court by all Judges of Assize, Justices in Quarter Sessions . . . acknowledged 'that we cannot expect the Blessing and Goodness of Almighty God (by whom kings reign) and on which we entirely rely to make our reign happy and prosperous to ourself and our people, without a religious observance of God's Holy Laws.'

The link between the lieges of 1709 and the lieges of 1832 is even more evident in the final injunction: 'And we do hereby strictly charge and command all our Judges, Mayors, Sheriffs, Justices of the Peace and all other our officers and ministers, both ecclesiastical and civil, and all our other subjects whom it may concern, to be very vigilant and strict in the discovery and the effectual prosecution and punishment of all persons who shall be guilty of excessive drinking, blasphemy, profane swearing and cursing, lewdness, profanation of the Lord's Day, or other dissolute, immoral or disorderly practices . . .,' and to put in execution the statute made in the twenty-ninth year of the reign of King Charles II.: 'An Act for the

better Observance of the Lord's Day, commonly called Sunday.'¹

CUSTOMS AND EXCISE

The Justices were from 1709 more actively employed in the department of Customs and Excise,² alike in a ministerial and a judicial capacity. They began modestly in 1708 by administering the oath *de fidei administratione*³ to the hosts of collectors, supervisors, riding officers, gaugers, clerks, boatmen, tide waiters, and land waiters from the ports of Glasgow and from various stations in the county, most of whom, by the way, were Scots, not, as they were in the preceding year, Englishmen. A year later the Lord Justice-Clerk wrote, instructing the Justices in the treatment of more advanced matters of Revenue. They were to observe the Acts of 1661-62, and were to meet once a month, or oftener, if occasion demanded, 'to hear, determine and adjudge all matters and offences.' When they fined they were to make sure that the amount was not less than twice the sum which should have been paid as duty, in addition to the costs of the officers. They were to place the constables at the service of the Revenue officers, and they were to keep a watchful eye on brewers who ventured to brew for sale before communicating with the Excise office.⁴ Several brewers and vendors of ale resorted to various artifices for evading payment of the duties. On the complaint of the Revenue officials, the Justices made their announcement through the usual channels—the market crosses and the parish kirks

¹ Parliamentary Report, 1832: Sabbath Observance.

² Defoe, in his *History of the Union*, 1786 edn., p. 583, says that for a year the Customs and Excise men acted without the help of Justices, who were 'young at the business.'

³ The Act 1 W. & M. c. 24, required Justices to administer the oath of allegiance with the Assurance in addition.

⁴ pp. 79-80.

of the county—that they would deal summarily and ‘with the severity of the law’ with such offenders. This warning went unheeded. Evasions everywhere compelled Parliament, several years later, to pass an Act for ‘preventing frauds and abuses in the public revenues of Customs, etc.,’¹ two copies of which the Commissioners of Excise at Edinburgh sent to the Justices in order that immediate effect might be given to its provisions. Even then frauds continued to be perpetrated, and other trouble was caused by dilatory payers and instalment payers, not to mention the many who were insolvent, yet went on brewing and selling. These the excisemen were to stop by seizing all their vessels and brewing implements, keeping them until sufficient security for payment of the dues had been given. Frauds were not altogether on the side of the public. There were dishonest gaugers, for whose embezzlements brewers and ale vendors who had paid were ordered by collectors to pay again. The Justices who heard the appeal of these aggrieved subjects directed them to lodge with the court their receipts, copies of which would be sent to the Commissioners for their advice.²

The imposition of new taxes to meet the expenses of the war with France increased the labours of the Justices. In 1709 Parliament levied a tax on all wax and tallow candles, whether home-made or imported. The revenue from this tax must have been small in view of the numbers who used oil-lamps or rushlights, while the returns from the taxes on soap, salt, parchment, paper, silk and linen were evidently adequate. The Window Tax, which had been introduced into England in 1696,³ was extended to Scotland in 1711,⁴ but was unproductive, so far at least as Lanarkshire was concerned. The tax was levied on occu-

¹ Act 6 George I. c. xxi.

² pp. 206-207.

³ 7 & 8 Will. III. c. 18.

⁴ 8 Anne, c. 4: ‘Act for raising funds to defray expenses of the War.’

pants of inhabited houses having twenty windows or more. Owners of such houses had to pay ten shillings if the windows were twenty and less than thirty-one; and twenty shillings if the windows were in excess of thirty.¹ In accordance with the Act, the Justices of the Peace were commissioners for putting the Act into execution, and the district Justices in Lanarkshire summoned 'able men' in their respective districts for duty as assessors. With the aid of the constables the assessors inspected all houses liable to assessment and reported to the Justices the sums payable and the names of those liable.² These lists were then sent by the Justices to the Receiver-General for Scotland, who levied accordingly. The Justices lost no time in getting in their returns, but had to wait for those of the Glasgow district Justices, whose delay involved the county Justices in a reprimand by the Receiver-General, who threatened to report them to the Exchequer, 'who will undoubtedly complain of your neglect and remissness.' When, at last, the Glasgow list arrived in Quarter Session there was further trouble. The factor of George Lockhart of Carnwath appealed against the assessment on the windows of Carnwath and Walston in respect that neither had been inhabited for a 'long time bygone' except by a servant. There were also the bailie of the Duke of Douglas similarly appealing against the tax on the windows of Douglas Castle, and the Chamberlain of the Earl of Selkirk in respect of the windows of Crawford Castle. All three appeals were sustained.³

In view of these exemptions, it occasions little surprise to learn from an amending Act of 1753 that of the revenue

¹ This tax was applied in 1747 to houses having a minimum of ten windows (20 Geo. II. c. 3), and from 1798 to houses with a minimum of six (38 Geo. III. c. 40). The taxes ranged from 4s. on houses with seven windows to £60, 18s. on houses with one hundred and eighty windows. The tax was repealed in 1851.

² pp. 106-107.

³ p. 121.

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from the Window Tax 'hardly anything had been produced from Scotland.'¹ But in 1758 a similar condition was remarked in England.²

HIGHWAYS

The collective labours of Justices of the Peace, overseers, surveyors, tenants, cottars, farm servants and, from 1718, of craftsmen, in their efforts to keep in repair highways in their several parishes, were out of proportion to the results. The old county roads were the distress of travellers afoot, on horseback, or in wheeled vehicles. For, after rain or snow, they were impassable, generally owing to deep mud. The traveller had in consequence to lodge in some wayside inn, or seek a passage across fields. These roads had been repaired and would again and again be repaired, and always they would relapse to a state of impassability. For a typical picture of a road of the period, there is the appeal to the Privy Council in 1680 by 'the noblemen, gentlemen and all others' . . . 'who were necessitat' to pass along the highway between Edinburgh and Musselburgh (from Clockmilne bridge to the Magdalene bridge) . . . and did so 'at the hazard of their lyves . . . by coaches overturning, horses falling, earts breaking, loads upset . . . while the poore people, with the burdens on their backs (were) sorely grieved and discouraged.' The noblemen, gentlemen and others 'accordingly appealed for its speedy reparation.'³

There are recorded similar complaints to the Privy Council by the lieges appealing for improvement of the

¹ 26 Geo. II. c. 17.

² The blank panels in many tenements, representing windows, were built during the period of the Window Tax Acts. The revenue from the tax in 1815 was £2,000,000, in 1829 it was £1,163,760, and in 1850 £1,708,504 (Dowell, *History of Taxation*, iii. 199-203).

³ *R.P.C.* (3rd Series), vi. 466-467.

roads in their parishes, and the Privy Council try to accomplish this by enforcement of the earlier Acts and Orders in Council relative to road repair. These all devolved on the Justices of the Peace and the unfortunate tenants, cottars and servants, who had first become responsible for the work of repair in 1610, when James VI. issued his 'Instructions to Justices of the Peace to provide for helping of the King's heich wayes, alsweill for the benefit of cariageis as ease of passengeris, and speciallie to be careful that no privat person encroache on the same way.'¹ These 'Instructions,' and the Act of 1617 incorporating the Instructions, were evidently ignored, for in the Preamble to the earliest Scottish Road Act—that passed in 1669—it is stated that 'the care thereof which hath been laid upon the Justices of Peace, hath yet, for the most part, proved ineffectual,'² in regard the saids Justices have not had special orders and warrands for that effect.'³ The Justices were then directed to see that the highways were kept in repair and fenced from adjoining farms, by dyke, ditch or hedge; the roads were to be at least twenty feet wide; and that the tenants, cottars and other farm servants repair the roads in their parishes for six days each year (four days after the second year) with spade or shovel, pick and mattock—those who had horse and cart to bring these to the task. Sheriffs and Justices were to meet annually in May to make out a list of highways that needed to be made.⁴ The Privy Council endeavoured to enforce that Act and an Act of 1670 by appointing overseers from among the territorial magnates who might be likely to get the work of repair carried out. For Lanarkshire the Duke of Hamilton was appointed overseer in

¹ *R.P.C.* (3rd Series), vi. 466-467.

² This probably did not apply to the Cromwellian Justices, who doubtless saw that roads were kept in order in terms of Ordinance 1655, *A.P.S.* vi. (2) 833 *b*.

³ *A.P.S.* vii. 574.

⁴ *Ibid.*

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1671.¹ Earlier in that year the Justices appealed to the Privy Council craving that they might have leave to levy custom on a new road which they had made. This was, in their opinion, justified by their 'having been at great pains and expenses in repairing the highways in the shire and especially that highway leading westward from Blaikburn [Blackburn] to the Kirk of Shotts,' and so 'made the same a sufficient and convenient way, not only for horse and foot and lykeways for coaches and carts which now do ordinarily pass that way, whereas they formerly went by Falkirk,' which road will in a short time be altogether impassable owing to the 'frequent driving of carts therein.' The Lords of Council granted them permission to levy 6/8d. Scots on the owner of every 'loaden cart' that passed by the Kirk of Shotts and 3/4d. where the cart was not laden—which duties were to endure for eleven years, the revenue to be expended on the upkeep of the roads.²

The Lanarkshire roads were then evidently well looked after, for it is one of the few counties that escaped censure by the Privy Council when the Justices of the Peace of Edinburgh, Berwick, Haddington, Fife, Clackmannan and Roxburgh were ordered to 'send two or three of their number to appear before the Council to hear sic censure and punishment inflicted on them as their neglect does deserve and to hear and see such other persons appointed overseers by the Council.'³ They were further required to tax the heritors in such sums as are appointed by the Act and to uplift and employ the same for the uses therein mentioned, with power also to call for account of destinations or mortifications to ferries, bridges or highways, and of such sums as have been uplifted by Justices of the Peace for repairing the highways and bridges and which have not been employed for these uses.⁴

¹ *R.P.C.* (3rd Series), iii. 358-359.

² *Ibid.* iii. 359.

³ *Ibid.* iii. 307.

⁴ *Ibid.* iii. 306.

Lanarkshire roads are not mentioned in the later records of the seventeenth century : the Justices of the Peace may or may not have been among the negligent officials who cause the Lords of Council in 1674 to repeat their injunctions¹ with threat of fine (£100 stg.) if reports on their progress are not sent in by a given date. It is abundantly clear that the general trend was towards neglect on the part of Justices of their highways, which went wrong in spite of all the labour expended on them. The Privy Council seemed to realise that something more was required than the old-time method, for in 1681 they formed a Committee to consider what was 'fit to be done' anent highways.² Nothing however seems to have come of their deliberations. Two years later they revert to their old custom by ordering Justices of the Peace and Sheriffs to meet yearly on the 1st of May and to set down a list of the roads, bridges and ferries that require repairs ; and at their meeting in June to inquire how far these have been attended to. Fines were to be exacted from those negligent ; freeholders and tenants were to ascertain the cost, which was to be met by a tax of £10 Scots on every £100 valued rent. Small wonder that the clerk who enters the above adds by way of comment : 'The Act hitherto has been of little or no effect.'³

In these circumstances the Lanarkshire Justices begin their duties in 1707. However good the road by the Kirk of Shotts may have been in 1671, its condition must have deteriorated by the close of the century. An English clergyman who visited the county shortly before 1707 tells how he travelled 'over wide meers and dangerous mountains, where the weather was ill, the *ways* worse and the long miles with their way bills at the end of them worst

¹ *R.P.C.* (3rd Series), iv. 179.

² *Ibid.* vii. 221.

³ *Ibid.* viii. 175.

of all.’¹ From the Minutes of their Quarter Session of August 1709 the newly appointed Justices evidently intended to make good the Act of 1669 by their Overture—confirmed as an Act in April 1710—which decreed that ‘at the ordinary seasons of the year prescribed they do cause amend and repair the highways and bridges within the bounds of the respective districts of the said shire, and for that effect to cause make up particular lists of the said highways and bridges, that effectual means may be taken for performance of the premisses and ordains all constables for the bounds of their charges to visit the highways and bridges and to report those damaged or defective,’ and to see that ‘laboured lands’ are fenced with dyke, ditch, hedge or headridges, and that no part of these come within the breadth of the highway prescribed by Act Parl. Chas. II., Sess. i. cap. 26. The constables were evidently unable to satisfy the Justices with their reports: they were then, in March 1711, ordered to make up lists of those suitable for posts as overseers—two for each parish—and to be guided by the heritors in their selection.² A beginning was made two months later in Cambusnethan and in Carluke where two heritors assisted the overseers in their surveys. A year later—May 1712—there were overseers for every parish in the county,³ with William Dalzell of Ridemire as general overseer for the whole shire. Under the overseers were the constables, who had to be present when the road labourers were at work and who received for their attendance 6s. Scots *per diem*. They were bound to see that the roads were kept clear of water, dung and rubbish; that occupants of adjoining farms did not encroach on the road but kept their borders fenced by ditch, dyke or hedge, and to report infringers, who were then fined 4s. for every unfenced ell.

¹ Rev. J. Brome, *Travels over England, Scotland and Wales* (1700).

² p. 110.

³ pp. 126-128.

The constables were suspected of laxity in these duties and from 1712 had to swear to the truth of their reports on highways. If farmers, cottars and servants did not attend, the overseers were to punish the absentees by pouncing their goods to the value of 20s. Scots for each day's absence and 30s. if horse and cart ought to have been provided for the work. Those labourers who dwelt at a considerable distance from the road to be repaired were permitted leave of absence provided they paid 6s. per diem and 6s. more if their horse should have been there.

It is evident from the reiterated statements of the Justices of the Peace that there were always absentees, and the constables, who were apt to overlook their absence, were warned that their omission to report would be marked by a fine of 40 merks *and* a six months' lodgement in gaol.

The overseers in 1713 announced that the roads in the parish of Biggar had been repaired, while those in the parishes of Lanark, Carstairs, Carnwath, Crawfordjohn, Robertson, Wiston, Pettinaie, Carmichael, Douglas, Lesmahagow, Avondale, Stonehouse and Cambusnethan, they declared, were 'made sufficient.' The overseers of the other parishes being absent and having sent no reports, the Justices gave notice that they would be fined unless they showed that they had 'honestly done their duty.'

The system was not working smoothly : but it was not until four more years had passed that the Justices in 1718 hit upon the device of dividing their labours among the district Justices—the Justices of each district being responsible for the appointment of overseers for their respective highways and bridges.¹

Everywhere complaints were heard of bad roads. Parliament in 1718-19 passed an Act² which was intended to promote the improvement of roads by providing (1) for the

¹ p. 184.

² 5 George I. c. 30.

punishment by a fine of £5 stg. of all those who refused to act as surveyors or as overseers; (2) for an increase in the numbers of road repairers by extending the service to 'labouring men.'

This Act, which remained in force until 1831, caused considerable trouble and gave rise to much litigation by weavers, masons, wrights and coopers, who were entered as 'labourers.' Unfortunately for them several judges of the Court of Session decided that they were within that category.¹ The time to be spent on mending the roads was increased. Formerly it had been four days annually: now it was to be six days—three days after seed-time and three after harvest. Absentees were to be fined 18 pence. Overseers were to send in written reports every six months on all the roads, bridges and ferries within their bounds, while the Justices of the Peace were, each year, to report on these to the Lords of Justiciary at their Circuit Courts. Finally, the said Lords of Justiciary were to enter in their Books of Adjournal notes of these reports.

From an examination of the Books of Adjournal for the Western Circuit it appears that the Judges only entered notes on omission by the Justices of the Peace to make *their* reports. The Lanarkshire Justices evidently complied with the terms of the Statute: they were not called in question as were the neighbouring Justices of the Peace for Ayrshire, who, in 1721, were cautioned by the Lords of Justiciary to 'take care to cause help the highways and bridges and more punctuallie keep the Quarter Sessions.'²

But the roads still remained impassable after rains, despite the increased number of labourers with spade, shovel, pick and mattock. There was a particularly soft road in Cambusnethan Parish called Causeway Red Moss

¹ See Kilkerran's *Decisions* (1750), p. 253; *Faculty of Advocates' Collec.*, 1807-1808, No. xi.

² MS. Books of Adjournal, Western Circuit, Justiciary Office.

which had tried the patience of all beyond endurance. In 1712 the overseers had reported that it was 'very expensive to mend and must be causewayed for 140 paces, which will exhaust the work to be done by the "countrey" in that place.' The Justices then decided to 'recommend to all gentlemen and passengers, carriers, travellers and others who chance to pass that way to bestow at their pleasure such money as they think fit to be helpful for the perfecting of the said mending and causewaying of the said road and to give the same to John Douglas, who will be accomptable.'¹

The hopes entertained of voluntary contributions cannot have been fulfilled. For now, in 1721, the Causeway Red Moss is again in much need of repair. The 'labourers,' realising the hopelessness of their efforts, point-blank refused to try; upon which Captain Lockhart of Kirkton reported them to the Justices in Quarter Session on 5th September 1721.

The Bench ordered the names of the rebels to be sent to the District Justices for sentence.² What the result of that trial was we are not told. Their refusal to perform road labour is easily understood. A pamphlet of 1730 mentions that 'the farmers are commanded to sally forth and either do a great deal more work in a day than they, their servants and horses, are capable of doing for themselves, or else are threatened with poinding and other severe courses if they do not pay a composition in money more grievous than the work prescribed. . . . It is well known that some have been obliged to go from their own homes, no less than seven miles, to this kind of work, and no allowance made by the task-masters for the time lost in travel to and from the place.' At the same time the roads near the dwelling houses of these oppressed people needed repairs as well as others; 'but this must be of

¹ p. 133.

² pp. 204-205.

no weight with the violent administrators of the peace: their will is law and they must be obeyed. . . . It is also well known that some gentlemen, who themselves will own it and who farm part of their property, have never borne any share in this burden, either in services or money; and it is well known that the whole landed interest bears no proportional share of this heavy duty. Yea, it is notorious that a rich proprietor endeavoured to conceal the number of his carts. . . .'

The unknown writer urged his readers to invoke the law and to withstand these orders of 'country Justices' instead of submitting to the brow-beating which only 'paltry cow-feeders, unworthy the name of farmers, should endure.' The writer of that pamphlet inveighed against the practice of entrusting the roads to 'overseers whose sole qualification appears to have been their dependence on some powerful heritor'¹; while the attempts to improve the roads by covering them with round stones and pebbles merely aggravated the evils by disintegration after rains.

That the Justices tried to do their best is evident; that they failed is equally evident, for in 1772 the heritors petitioned Parliament for money with which to repair the roads 'from Ingleston Bridge, by Biggar, to Leadhills, and from thence to the March of the county towards Mennoch and Enterkin; and the high road from the confines of the county of Lanark near Corsethill, by Carnwath, Carstairs, Douglassmiln, Parish-holm and thence to the confines of the county near to Loch-head, by or near Elsrickle, Carnwath, Carstairs, Carluke, Wishaw, and to the Chapel of Ease on the road from Edinburgh to Glasgow; and the high road from Hamilton, by Douglassmiln, Elvanfoot and to the confines of the county of Lanark, near to Moffat.' These

¹ The overseers were not always of this sort. Their duties were vexatious and unpaid. See case of *Wood v. J.P.'s of Berwick*, *Sess. Pap.* (Signet Lib. Coll.), vol. 135, No. 15.

roads were described as 'in the winter season or wet weather almost impassable for carriages and dangerous for persons on horseback, and many parts thereof are very incommodious and cannot be sufficiently repaired, widened and kept in repair without some provision be made by Parliament for these purposes.'¹ It is clear that little or no progress had been made towards better roads.

Not until Macadam's scheme was introduced about 1823 was there any definite improvement. Then roads were constructed—not as before, on the high places, but in valleys and low-lying areas. The newer roads brought certain towns into prominence and made others like Crawfordjohn—once an important centre—remote and difficult of access.

In addition to these improvements on roads, other alterations were made by proprietors of lands who had obtained leave from the Justices in terms of the 'Enclosing of Lands' Act. Prior to the Union the Privy Council had given permission to such prospective 'Enclosers' of land, one of the last of these permissions having been granted in 1706 in favour of George Lockhart of Carnwath who closed the road at Anston in Dunsyre parish.²

In these Minutes there are two applications for alteration or diversion of roads. That by Sir James Carmichael of Bonnington in 1717—with the fracas which ensued—is fully told on pp. 215-224; the other is in 1719 and is made by the district Justices of Hamilton, who report to the Quarter Session the desirability of altering the highway at Canner Milne. As that road was on the property of the Duke of Hamilton the Justices remind their colleagues in Hamilton that they must obtain the consent of the young Duke's curators.³

¹ *H. C. Journ.*, xxxiii. 449.

² Several other applications were made by the Privy Council between 1675 and 1700. See *R.P.C.* (3rd Series), vii. 228, 628.

³ p. 198.

BRIDGES AND FERRIES

These connecting links in the series of highways were, along with highways, entrusted to the care of the Justices of the Peace. They are closely related to each other, for the ferry or the ford was often superseded by a bridge; and sometimes the ferry continued alongside the bridge.

In the seventeenth-century records of the Privy Council there is frequent reference to the neglect of Justices and others in obeying King James's 'Instructions' of 1610 'to be careful concerning the upholding and repairing of the brigis that ar not utterly ruinīt'; and the statute of 1669 and pursuant Orders of the Privy Council sometimes remind the officials responsible how 'the bridges of this kingdom being built and erected by the piety and prudence of the founders . . . are become ruinous and others fallen into decay, to the great prejudice of commerce and traffic and the dangers of travellers and passengers.'¹ The pious and prudent founders referred to were the Churchmen and the laymen who 'mortified' part of their estates for this laudable object. Owing to the paucity of pious founders possessors of land were taxed 10s. on £100 of valued rent.² But even that tax the seventeenth-century Justices of several shires had neglected to collect, which constrained the Lords of Council to ignore for a season the Justices and to authorise in their place the sheriffs, bailies of regalities, and magistrates of burghs to convene the heritors and to levy this tax.³

It was not unusual for parishioners and heritors to apply direct to the Council for leave to exact toll duties from those using bridges which they had either built or mended. In 1661 the parishioners of Libberton obtained such permission—the toll to endure for eleven years,⁴ and in the

¹ *R.P.C.* (3rd Series), viii. 176.

² *Ibid.* viii. 176.

³ *Ibid.* viii. 177.

⁴ *A.P.S.* vii. 330.

same year Lockhart of Cleghorn had similar leave for meeting his expenses in repairing the bridge over the river Mouse at Cleghorn¹; but these repairs appear to have been inadequate, as two years later he obtained leave to impose a toll in respect of the rebuilt bridge.² In 1663 also the lack of a bridge over the Clyde at Ramwooleraigs (in Lamington), near to the Chapel, and of another over the Duneden,³ hard by, 'being high passages and mercat wayes in which divers persons have perished,' induced the Government to grant a warrant for a 'voluntary contribution on this side of Forth and to permit of a small custom of 12d. Scots for every horse and load, 8d. for every cow or horse, 2d. for sheep and 2d. for every foot passenger 'that should pass alongst these two bridges or either of them . . . footmen to pay whether they take the bridge or not; but horsemen who do not use it to pay nothing, those who do, to pay 6d.' This custom was to continue for twenty-seven years. It is surprising to learn from the records of 1681 that these bridges were not nearly completed. Baillie of Littlegill, who had been authorised to build and to take toll, had died, and his son, who, in 1681, appeals to the Council for authority to have a toll to enable him to complete the work, states that he has been at 'considerable expense and a great many hewn stones were already prepared.' The Lords of the Privy Council granted warrant for a contribution 'this side of Forth, recommending the same to the clergy and also to noblemen and magistrates and ordain Baillie or his deutes to uplift toll for 27 years after building.'⁴

A belated application for a bridge was made in 1695 by Lanark Town Council, whose first application was made in 1649 but was withdrawn in view of the subsequent political disturbances. The bridge was to supplant the

¹ *A.P.S.* vii., App. 24.

³ Now Duneaton.

² *Ibid.* vii., App. 103.

⁴ *R.P.C.* (3rd Series), vii. 60.

ferry boats, which 'with the speit of water, has bene the death of many honest men, both of neighbouris and strangeris, and in tyme of great raine or tempestuous weather, thair is no passage throw the water, to the great hinderance of all that travell that way.'¹ In deciding to renew their application the bailies had in mind 'the great loss that hes bene sustained throw the violent current of the river Clyd at that part called Clydsholme, within ane quarter of a mile of the burgh, at which place there hes bene ane ferie boat keiped for transporting passengers . . . the said ferie boat being several times carried away throw the violence of the current . . . with persons in her . . . over Stainbyer² Linn.' The cost of erection of the bridge was to be defrayed by voluntary contributions 'throw the haill kingdome.'³ The necessary Act of Parliament was obtained in 1703.⁴ Had the bailies waited until the Justices of the Peace came into office in 1707, they and not the Privy Council would have been the licensing authority. A case in point occurred in 1712, when the Provost of Glasgow brought to the notice of the Justices of Lanarkshire the need for a bridge over Towcorse Burn 'for the safety of passengers.' The Justices advised the Glasgow Provost to inquire of the 'neighbouring gentlemen' the probable cost of building.⁵

The Justices have in the period of these Minutes to authorise the repair of several bridges. In 1711 the Justices of Stirlingshire apply to the Lanarkshire Justices for assistance in the repair of Calder Bridge, which stands on the confines of the two counties.⁶ After a meeting between representatives of these two bodies and an examination of the bridge, there was considerable delay in further arrangements. Indeed it was more than a year later (Oct.

¹ *Lanark Records*, p. xxxv.

³ *Lanark Records*, pp. 251-252.

⁵ p. 125.

² Stainbyer, now Stonebyres.

⁴ *Ibid.* 269.

⁶ p. 109.

1712) that the Lanarkshire Justices, on reading a letter from their brethren of Stirlingshire, learn that the ' Bridge of Calder would become ruinous and fall if not speedily repaired.' The Provost of Glasgow reported ' the pains and labour ' which his burgh had taken in the matter, and the Bench thereupon decided to obtain from the Commissioners of Supply at their next meeting the sum of £5 stg. as their contribution.¹

Polmadie Bridge, which stood on the road between Glasgow and Rutherglen, was not in very bad order but needed ' some small reparation.' ² The Justices were attending to their duties.

The Minutes have not much concerning ferries ; and yet there must have been several, both private and public, in the county. With the private ferries the Justices had no concern, but they were obliged to keep the public ferries clear of dangerous stones and to see that the boats were safe for transport of passengers.³ The maintenance of the boats was provided for by the Commissioners of Supply until the late eighteenth century, when it was customary to lease ferries to private contractors. Towcorse Burn, of which mention is made on page lxxii opposite, was probably a ford until the dangerous spates required the Justices to erect a bridge there. Crossford Ferry is mentioned because John Jack, who lived hard by, conceived that some large stones in the Clyde might cause damage to the boats and so had them removed, to the indignation of a neighbour, Wm. Forrest of Malshockmilne. This ferry, which served all who went from Hamilton to Lanark, was then ' the most public and best frequented in that part of the country.' The dispute that arose between these two was not settled by the Court of Session

¹ p. 144.

² p. 143.

³ These duties were taken over by the County Councils in 1890. 52 and 53 Vict. c. 50, s. 11.

action of 1719 when Forrest won; for Jack, unable at the time to pay Forrest's legal expenses, was by his opponent put into Lanark tolbooth and kept there until the money was paid. Jack then asked the Justices to do what he had been prevented from doing. The Bench at their Quarter Session on 7th August 1722 decided to send three of their number to view the ferry and the alleged dangers, and to report. And there the story of Jack and the ferry ends, for no further reference is made to it in the Minutes. That same ferry again comes into the Law Courts in 1817 and again in 1828-30, when two rival ferrymen challenge each other's rights in the Court of Session, and challenge also the right of the Justices to fix the fares charged by ferrymen. In that case—*Martin v. Thomson*, 8 Shaw's Reports, p. 952—it was stated that Thomson had been ordered by the Justices in 1812 to appear before them in Quarter Session; and that Daniel Vere of Stonebyre, John Cochrane of Kirkfield, W^m. Tod of Birkwood, Norman Lockhart, and Provost Simpson of Lanark, 'all gentlemen of undoubted respectability,' had decerned against him. It was finally held by the Court to be the prerogative of Justices of the Peace to regulate the fares of ferrymen.

The ferry near Hamilton and another over the Clyde on the road from Corsethill to Parishholm did not give trouble until 1770 and 1772 respectively, when petitions were presented to Parliament for leave to erect bridges instead.¹ The ferries, which must have been numerous in the early eighteenth century, were diminishing in the later part of the century. In 1770 Hamilton Town Council petitioned Parliament for a bridge in place of the fords in Clyde river near Hamilton, as these 'are become very deep and dangerous. The ferry is always inconvenient and often impassable; while a bridge over the

¹ *Sess. Pap.* (Signet Lib. Coll.), 321, No. 15.

river would complete the public roads from Edinburgh.' ¹ Again, in 1772, another petition was presented to Parliament for a bridge over the Clyde 'between the road leading from Corsethill to Parishholm, as the passage over the Clyde is often obstructed by floods, and is dangerous to travellers.' Witnesses were heard in support of the petition, among whom were Captain Lockhart Ross and Alexander Maconochie, who stated that 'repairs could not be made by present methods.' ²

ENCLOSING OF LANDS

The Minutes of 1718 record the trial of twenty-two men, charged with having broken down part of a wall which Sir James Carmichael of Bonnington, Justice of the Peace and Deputy Lieutenant of the county, had just built around his new enclosure. In terms of the Acts, 1661 and 1685, which permitted landowners to enclose their lands and, for that purpose, to divert a public highway to a distance of 200 ells, Carmichael had closed a road which led from the 'coal heughs' of the Duke of Douglas and the Earl of Hyndford to Lanark—a road which was much used by the people of Lanark when carrying coals from the pits. The statutes do not make clear whether one was entitled to close a road, but the Justices held that Carmichael, having the consent of Douglas, of Hyndford, and of Kennedy of Aughtifardell, was justified, even though the customary privilege or right, enjoyed by the Lanark men, had to be surrendered.

The proceedings in the trial of the wall breakers, who were supposed to have pulled down so much as would enable them to continue their use of the road through the enclosure, are curious, and suggest that the Justices, while

¹ *H. C. Journ.*, xxii. 744; xxxii. 661; xxxiii. 446, 449, 456, 465.

² *Ibid.* xxxiii. 446, 449.

supporting their colleague in his enclosing action, were unwilling to press the case against the alleged wall destroyers, for, after no very searching inquiry, they were discharged on a verdict of 'Not Proven.' The Justices were obviously more concerned with the question whether Carmichael had exceeded his rights by closing the road than with the guilt or the innocence of the accused. They approved of the enclosure—all but the provost of Lanark, who 'took instruments' and intimated that he would appeal, a step which was rendered unnecessary by the concession which Sir James Carmichael shortly afterwards made in favour of the community of Lanark.¹

Whether there had been undue bias by the Bench of Justices in confirming the enclosure it is impossible to decide, though it does seem as though they were straining loyalty to their colleague to the verge of injustice.

CONCLUSION

Except in the last-mentioned case there is no suspicion of unfairness on the part of the Justices. They were properly severe towards the chamberlain of the Earl of Selkirk when that official, acting under the instructions of the Earl (a Justice of the Peace), refused admission to church and manse to the newly appointed minister of Crawfordjohn. If their sentences, passed on thieves and sorners—in which whipping, branding the face with hot iron, nailing ears to the tolbooth door, and transportation overseas—appear to have been cruel, they were customary penalties in the early eighteenth century. That

¹ *Lanark Burgh Records*, p. 297. In fairness to the Justices it should be noted that the law was not clear upon the closing of roads. 'Unnecessary' by-roads might be closed (*Kilkerran's Decisions*, Highways No. 1), but not 'any foot road or horse road to church or mill' (*Kilkerran's Decisions*, Servitude No. 1).

they were willing to exercise leniency when appealed to is evident from the sequel to the sentence passed on the Annandale tinkers.

The Justices were tenacious of their rights as judges and, far from allowing rival courts to infringe on their jurisdiction, were occasionally apt to encroach on the jurisdiction of other tribunals. The dispute in 1719 between the Justices and the Town Council of Lanark over the right to try some inhabitants of Lanark was decided by the Court of Session in favour of the Justices, the expenses in the action being borne by the Justices concerned. Alike in their judicial and their administrative duties the Justices appear to have as a rule acted with energy. That their decrees were not always effective was due to the fault of the Legislature in not providing for an adequate police.

They had, in great measure, accomplished all that their royal originator, James VI., had hoped for : they had overcome the opposition of the rival lords of regalities, heritable sheriffs and barons of baronies, who, in many instances, were themselves Justices.

As regulators of the prices of labour they were merely the agents of a Government which tried to impose restrictions which have long ago been condemned as impracticable, and naturally the Justices were unsuccessful. They were equally unfortunate in their efforts to maintain good roads, but that was mainly because the secret of road-making was not then known.

By comparison with the Minutes of the Justices of the Peace for Stirlingshire (1686-1723) and the Minutes of the Midlothian Justices (1723-1732), these Minutes of the Lanarkshire Justices are much fuller and more varied. They come to a close two years before an event occurred which, closely associated with the Justices for Lanarkshire, is one of the prominent landmarks in the history of Glasgow. In 1725 the house in Trongate, Glasgow, belonging to Daniel

Campbell of Shawfield, Justice of the Peace, was invaded and almost destroyed by a mob acting in the belief that Campbell, who was also a member of Parliament for the city, had been a prominent supporter of the detested Malt Tax Act, passed that year. The disorder in the city was responsible for the presence there of troops under General Wade and Lord Advocate Duncan Forbes of Culloden. One of the dramatic scenes of that time was the arrest of the provost and six magistrates of Glasgow on a warrant signed by Forbes as 'Lord Advocate and one of the Justices of Peace for the shire of Lanark.'

The Justices of the Peace had established themselves as a factor in the legal system of the country: their powers were constantly being extended, and in the opinion of Wodrow, who was a contemporary, they had too much power. When he wrote in 1725, the personnel seems to have altered: 'Staff officers of the army are universally Justices of the Peace in many shires, the bulk of the Justices about ports and customs, captains and commissioners and half-pay officers and such like persons, and now, since the Union, when so much is in the hands of the Justices of the Peace, this practice is the more threatening.'¹ Three years later Wodrow observed: 'Things are at a very low pass; any remains of government we have is in the hands of the Justices of the Peace and the magistrates of towns. The first mind little or nothing and these at Glasgow are brow-beaten.'² If Wodrow is to be credited, the Justices were then in the ascendant.

¹ *Analecta*, iii, 227.

² *Ibid.* iv. 9.

APPENDIX A

COMMISSION AND PROCLAMATION NAMING JUSTICES OF THE PEACE WITHIN SCOTLAND

(August 1707¹)

‘ Anne, by the grace of God, Queen of Great Britain, France and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Pursevants, Messengers at Arms, our sheriffs in that part, conjunctly and severally, specially constitute, Greeting: *Forasmuch* as the appointing of Justices of the Peace in that part of our kingdom of Great Britain, called Scotland, will contribute to the peace, quiet and good government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their power and jurisdiction, therefore and for the furtherance of these ends, we, with the advice of the Lords of our Privy Council in Scotland, do hereby nominat, constitute and appoint the persons after set-down, for the respective shires and burghs after-mentioned, to be Justices of the Peace within the same in manner and to the effect after exprest, Viz.

‘ For the shire of Lanerk, and hail Royal Burghs and other burghs therein

‘ The Duke of Hamilton, the Duke of Douglas, the Earl of Eglington, the Earl of Wigtown, the Earl of Selkirk, the Earl of Forfar, the Earl of Ruglen, the Earl of Hyndford, the Earl of Hopetoun, the Lord Carmichael, the Lord Blantyre, Mr. Daniel Carmichael of Mauldsly, Mr. William Carmichael of Badronald, Mr. David Carmichael of Carsefoord, Sir Archibald Fleeming of Farm, Sir William Gordon

¹ Inserted at p. 235 of MS. Minutes.

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of Haleraig, Sir William Menzies of Gladstones, Sir William Steuart of Castlemilk, Sir John Schaw of Greenock, Sir David Steuart of Cultness, Sir John Inglis of Cramond, Sir Andrew Kennedy of Clowburn, William Weir of Stonebyres, William Hamilton of Wishaw, James Hamilton, younger, of Rosehall, John Lockhart of Lie, George Baillie of Jerviswood, Robert Kennedy of Auchtifardle, James Hamilton of Pencaitland, Alexander Menzies of Culteraws, Captain Gavin Hamilton of Raploch, John Forbes of Possil, Daniel Campbell of Saughfield, Walter Lockhart of Kirkcoun.

In the article headed 'For the Town of Edinburgh' are set forth the duties to be undertaken by the Justices of the Peace in all the counties and royal burghs :—

'The magistrats of Edinburgh and their successors in office for the time: But with this Declaration, That in respect the power and jurisdiction is now by this our Commission and Proclamation, extended to all matters of our Excise, that therefore in all matters of the said excise, the Justices of the Peace for the shire of Midlothian and the Justices of the Peace for the town of Edinburgh shall meet, cognosce and judge as they were in use to do of before. As also for every other royal burgh the eldest magistrat for the time there residing and not being a brewer within his burgh. And farder it is hereby declared that all noblemen, privy counsellors and lords of session are and shall be Justice of Peace in every shire, stewartry and burgh above-mentioned. GIVING, GRANTING and COMMITTING to the saids persons and their quorum, appointed by the Act of Parliament one thousand six hundred and sixty one, within their respective bounds, full power, warrant and commission to exerce the office and offices of Justices of the Peace and to do, use and practise whatever to that Trust doth appertain by the Laws and Acts of the Parliament of Scotland, and more especially, by the thirty-eighth Act of the Parliament one thousand six hundred and sixty one years Intituled *Commission and Instructions to the Justices of the Peacc and Constables*. And which

Instructions are here held as repeated. As also to Do, USE and EXERCE whatever doth appertain to the said office and Trust by virtue of the Laws and Acts of Parliament made in England before the Union ; in so far as the same may concern the office and duty of Justices of the Peace in the respective bounds, in all matters relating to our Customs and Exeise, for the better observation of the articles of the Union in all points. As also, with full power to the saids Justices of the Peace and their *quorum* fore-said, to appoint Constables conform to the said Act of Parliament, one thousand six hundred and sixty one, within their respective bounds, and according to the tenor and Instructions set down therein for Constables in all points the saids Justices of the Peace and their clerks respective taking and swearing the Oath of Alledgeance, and subscribing the same, with the Assurance, as also taking the Oath *de fidei Administratione* at their first meeting, which is hereby declared to be upon the ninth day of September next to come, for all these besouth the Water of Tay, and upon the twenty third day of the said month of September next for all these benorth the said Water of Tay ; at the head burghs of the respective shires and stewartries above-mentioned. Likeas, they are hereby ordained to report their said taking and swearing the Oath of Alledgeance, and subscribing the same with the Assurance, to the Clerk of our Privy Council in Scotland, within ten days thereafter. And it is hereby provided that this our commission granted to the saids Justices, and each of them within their respective bounds as aforesaid, is only to endure during our pleasure, and until we shall recall the same. Likeas, it is farder provided and declared that it shall be always leisom to us to add to the number of Justices of Peace within the respective bounds aforesaid by a letter or Warrant under our royal hand, such persons as we shall from time to time think fit : which persons so to be added shall have the same power and authority as if their names were expressly contained in this our commission and proclamation. As likeways, reserving to us our full power to remove or suspend any of the saids Justices

of Peace from their saids Trusts and Employments, by a Letter or Warrant under our royal hand. And lastly, we with advice foresaid do hereby declare all former commissions to Justices of Peace preceeding the date hereof to be void and null. Our will is herefore, and we charge you strictly, and command that incontinent thir our letters seen, ye pass to the Mercat Cross of Edinburgh and the remanent Mercat Crosses of the head burghs of the several shires and stewartries within Scotland, and there in our name and authority, by open Proclamation make intimation hereof that none pretend ignorance; and ordains our Solicitors to transmit printed copies hereof to the sheriffs of the several shires and stewarts of the respective stewartries above-mentioned, to be sent by them to the Ministers of the paroches within their respective bounds; and appoints the saids Ministers to cause their clerks read and intimat this our commission and proclamation in their churches before the dissolution of the congregation, by reading of the Justices of Peace their names in the respective shires where the said paroch lyes; and the powers granted to them contained in this our proclamation, that our royal pleasure in the premisses may be known to all concerned. And ordains these Presents to be printed.

'Given under our signet at Edinburgh the fifteenth day of August, and of our reign the sixth year, 1707.

'per actum Dominorum Secreti Concilii,

'ROB. FORBES, Cls. Sti. Concilii.'

APPENDIX B

LIST OF THE COUNTIES OF SCOTLAND, WITH THE DATES OF THEIR EARLIEST EXTANT MINUTES OF THE JUSTICES OF THE PEACE:—

Aberdeen. (None of eighteenth century.) The town magistrates were in 1641 constituted Justices within the bounds of the town (*A.P.S.*, v. 511). But no Minutes until 1889.

- Angus, 1880.
Argyll, 1744. (Earlier Minutes were destroyed by fire, which attacked the building in which they were kept.)
Ayr, 1895.
Banff, 1853. (For Minutes of 1702-'06, *see* Annals of Banff, New Spalding Club.)
Berwick, 1835.
Bute, 1678.
Caithness, 1843.
Clackmannan, 1783 (but records of court proceedings date from 1712).
Dumbarton, 1728.
Dumfries, 1748.
Edinburgh or Midlothian, 1720. (The burgh J.P. Minutes, the oldest in the country, range from 1613 to 1641, followed by the year 1648, and, after a lapse of thirteen years, were resumed in 1661 and closed in 1663.)
Elgin, 1763.
Fife, 1815.
Forfar. *See* Angus.
Haddington or East Lothian. (No report from Clerk of Peace.)
Inverness. (No report from Clerk of Peace.)
Kincardine, 1751.
Kinross, 1810.
Kirkcudbright, 1833.
Lanark, 1707.
Linlithgow, 1758.
Nairn, 1808.
Orkney, 1830.
Peebles, 1861.
Perth, 1856.
Renfrew, 1730.
Ross and Cromarty, 1824.
Roxburgh, 1855.
Selkirk, 1824.
Stirling, 1686.
Sutherland, 1813.
West Lothian, 1758.
Wigtown, 1848.

MINUTES OF THE JUSTICES OF THE PEACE FOR LANARKSHIRE

1707-1723

Att Lanark, the nyinth day of September J^mvii^c and
seven years.

In the first meetting of the Commissioners and Justices of Peace for the shire of Lanark named in her Majestys commission and proclamation before mentioned, and the rollis being called be James Carmichaell, wrytter in Lanark, att their desyre the persons efterspecifeit to be Justices are present, viz. : John, Earle of Hyndfoord, one of the Lords of her Majesties Privy Councill in Scotland, Mr. Daniell Carmichaell of Mauldslie, William Weir of Stonebyres, Sir Archibald Fleeming of Ferme, Sir David Steuart of Coltness, Sir William Meinzie of Gladstones, Captaine Gavene Hamilton of Raploch, Allexander Meinzie of Culterallars, Walter Lockhart of Kirktoune, William Inglis, present oldest magistrat of the burgh of Lanark and residing therein, and who is not a brewer within the said burgh. The said persons, named Justices of Peace as said is, elected the said Earle of Hyndfoord to be president. The said president caused call if ther was any person present to discharge the duety and office of clerkship to the said meetting as haveing commissione from the Secretary of State for Scotland, and naine compearing for that office authorized as said is, the said president and remanent members of the meetting abovenamed did elect, nominat and creat the said James Carmichaell, wrytter in Lanark, to be clerk of the Peace for the said shire of Lanark during ther pleasure. And the oath of allcadgence to her Majesty and the oath *de fidei* being administrat to the said president be the said clerk, and also administrat be the said president to the clerk, and efterwaards administrat be the

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said president to the remanent members abovenamed of this present meeting, the said oath of alledgeance with the assurance was duely subscrybed be the said president and haill other members of this meeting with ther said clerk as is preseryved be the forsaid Commissioners proclamation, and the said William Inglis, as oldest magistrat of the said burgh of Lanark, was admitted to be a Justice of Peace and member of this present meeting in the tearmes of the said commissione and proclamation. The saids Commissioners and Justices of Peace, being constitute into a Court as said is, ordains ther said clerk to report ther takeing and swearing the said oath of alleadgeance and subscryveing the same with the assurance in manner forsaid to the clerk of the Privy Council in Scotland, and that within the dayes mentioned in the said commissione and proelamatione. The saids Justiees reecomends the nominatione of such persons as may be fitt and qualified for being constables in the respective parishes of this shire to be considered and thought upon and listed against their nixt meeting, and being moved ther was acts of the Justices of Peace for the shire formerly made in anno 1687 or therby regulating servants fees and workmen and craftsmens wages, and it being voted whither or not the said acts should be called for, or that the saids Justices shall now proceed to make acts and orders therannent without respect to the former, it was carried that they should call for the former acts in the first place before they proceed any farder in the said matter. And therupon the saids Justices ordains ther said clerk to send to Hamilton for the old record or ane extract of the forsaid acts, and to report his diligence therin against the nixt meeting.

The saids Justices appoynts ther nixt meeting to be att Lanark upon the last Tuesday of September instant, being the last day therof.

HYNDFOORD.

Att Lanark, the last day of September 1707.

Rolls being called, ther are present the Justices afternamed, viz.: the Earle of Hyndfoord, Mr. Daniell Carmichaell of Mauldslic, Walter Lockhart of Kirktoune.

The saids Justices of Peace present elects the said Earle of Hyndfoord to be president.

Compears Robert Kennedy of Aughtifardell, one of the Justices of Peace named by her Majesties commissione and proclamations appoynting Justices of the Peace, who took the oath of alleadgence to her Majestie Queen Anne and subseriving the samen with the assurance, and also took the oath *de fidei in communi forma*. Compears also Archibald Simpstone, now present oldest magistrat of the burgh of Lanark and residing therein, and who is not a brewer within his burgh, who also took the oath of alleadgence to her Majestie and subseriving the same with the assurance, and also took the oath *de fidei in communi forma*, and afterwards was admitted as a Justice of the Peace in the tearmes of her Majesties nomination.

The said day the acts and orders of the Justices of Peace within the said shire, made in ane Quarter Sessione kept att Hamilton the twenty-fifth day of October J^m^v^e eighty-seven years, in relation to servants fees and workmen and craftsmen wages, being brought in and publiely read in presence of the Justices presentt in this meeting, and efter consideratione had begun therupon, the saids Justices of Peace ordains the clerk to transmitt copies of the saids acts and orders to the present Justices of the Peace within ilk paroch, that they may also have the same under ther consideration whether or not the samen acts and orders shall be continued as they stand, or what alterations and qualifications may be made therein as shall be found necessar be the saids Justices of the Peace in the nixt Quarter Session, and also recomends to the saids Justices of Peace to have under consideration and to take informatione of such persons as may be fitt for being constables within the severall parishes of the said shire, and that also weell for parishes wher Justices of the Peace are not presently residing, as for the parishes wher they are, residing, and to communicat the same to the hail Justices of the Peace in the nixt Quarter Sessione.

HYNDFOORD.

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Lanark, twenty-eight day of October J^mviii^e and seven years, being a Generall Meeting and Quarter Sessione of the saids Justices.

The rolls being called, the Justices efternamed are present, viz. : James, Lord Carmichaell, Mr. William Carmichaell of Badronald, advocat, Mr. Daniell Carmichaell of Mauldslic, William Weir of Stonebyres, Sir David Steuart of Coltnes, Robert Kennedy of Aughtifardell, Walter Lockhart of Kirktoune, Archibald Simpstone, eldest magistrat of the burgh of Lanark for the tyme. The said James, Lord Carmichaell, being one of the lords of her Majesties Privy Council in Scotland, the saids Justices present elects him to be president. And the said James, Lord Carmichaell, and Mr. William Carmichaell, advocat, did take and swear the oath of alleadgence to her Majestic and subservyed the samen with the assurance, and also did take the oath *de fideli in communi forma*.

The acts and minuttis of the former sederunt being read, it was moved if or not the saids Justices shall proceed to ratifie and renew the acts of the Justices of Peace made in anno 1687 in relation to servants fees, workmen and craftsmen wages, or that the saids acts shall be turned into overtours and doubles therof sent to the Justices of Peace in the neighbouring shires for advyee from them and for acount of ther proceedings in poynts relative to the premisses, and that one uniformety therin may be had over the haill countrey soe farr as is possible of : and being brought to ane vote it was carried *una voce* that the samen shall be turned into overtours to the effect forsaid, and ordains the said clerk to turn the same into overtours and to transmitt copies therof to the clerks of the Peace in the neighbouring shires, to be presented by them to the Justices in the saids shires for advyee and to the effect *ut supra*.

Ane overtour was made for regulating the tyme and manner of hyreing of domestic servants, for preventing of abuses in tyme comeing, which overtour and reasons thereof being considered be the saids Justices, they all, in one voice, did make ane act thereupon as follows :—

Act of her Majesties Commissioners and Justices of Peace for the shire of Lanark regulating the tyme and manner of hyreing of domestick servants, Lanark, 28 October 1707, being a Generall Meeting and Quarter Sessione of the saids Justices. The saids Commissioners and Justices of Peace, in pursweance of her Majesties commissione and proclamacione and instruction given to them, takcing to ther serious consideratione the manyfold abuses that hes been committed in tyme past in the manner of hyreing servants and masters unacquainting their servants whom they designed to part with and servants unacquainting their masters of their departures from ther service untill the term of flitting be come, and in servants hyreing themselves with diverse masters wherethrow many debates and controversies hes arisen betwixt masters and servants in tyme past, for remeid whereof the saids Justices of Peace hes enacted and hereby enacts and appoynts that the rules and methods underwrytten be observed by masters and servants anent hyreing domestic servants in tyme comeing.

That no master hyre domestick servants, man or woman, for ordinary household service or labour in husbandry within or without house, als weel in town as in landwart, within the shire of Lanark, nor no servant be hyred for yearly or termely service in tyme comeing, untill within fourty dayes of the terme of their entry to the said yearly or termely services, certifieing the contravener heirop, either masters or servants, that they shall be proceeded against by corporall or pecuniall punishment or other wayes, as appertaineth, att the discretione of the Justices, and the said feeling is hereby declaired to be null.

That no master putt away any servant out of his service (except upon a reasonable cause instructed to any one Justice of Peace and under his hand) unless the master acquaint his servant thereof fourty dayes preceeding the tyme of his removeing, certifieing the master contravener heirop that he shall be obliedged to continue the servant

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in his service for the subsequent year or terme conforme to the former feeing, and shall be obliedged to pay the servant the lyke fee for his said service as for the former year or terme. And in cais the master shall become cruell and beheave himself unbecomingly towards the servant soe that he cannot performe his service in peace, and this being instructed to any one Justice of Peace and under his hand, it shall from thencefurth liberate the servant from his service, and notwithstanding thereof shall have actione against the master for his fee and for his maintenance from thencefurth to the said terme as accords att the discretione of the Justiees, and the master to be further censured as appertaineth.

That no servant, male or female, make their departure furth of their masters service in tyme comeing (except upon a reasonable cause instructed to any one Justice of Peace and under his hand) unless the servant acquaint his said master of his departure fourty dayes preceeding the terme of his flitting, certifieing the servant contraveener heiroy that they shall be obleedged to continue with ther said master for the subsequent yeir or terme, conforme to the former feeing and for the lyke fee as for the former year or terme, and in cais the servant shall become insolent and behave himself unbecoming and shall not pay faithfull and thankfull service to his master, and this being instructed to any one Justice of Peace and under his hand, the servant shall be compelled thereto, and if need beis shall be imprisoned while he find caution for his good behaviour and fidelity during his service and payment of his masters damnadge and expences sustained throw his misbehaviour, and shall be further censured as appertaineth.

In caies any servant shall be subject to double feeing with two or moe masters for one and the same year or terme service, the master, first legall hyrer, shall have the servant and the second or mair legall hyrers and ilk ane of them shall have the equivalent of the fee promised be them to be paid to them be the servant or shall have liberty to pursue for his damages as accords in the option of the master, and the servant contraveener heiroy to be further

censured be the Justices as appertaineth, provyding alwayes the second, third or other hyrer be ignorant of the servants being formerly hyred.

Overtoures being mad for regulating of servants fees and workmens and craftsmens wages, but this requyring a longer tyme and advyce from neighbouring places, the Justices ordains the same to remane under consideratione till the nixt Quarter Sessione, which is to be upone the first Tuesday of March nixt to come. And ordains thir presents to be extracted and printed and published at the mercat croces of the severall burghs within this shire and other places needfull, and also att the meast patent doors of the severall kirks within the shire upon the first Sabbath of December nixt immediately efter divine service, and ordains copies hereof to be affixed upon the said mercat croces and kirke doors, that none may pretend ignorance thereof.

The Minutts of the former sederunts in relation to the nomination of constables in the severall parishes of this shire being read, the said Justices *una voce* did proceed and make nomination of persons to be constables in the severall parishes of the said shire, and which are enrolled on a paper of pairt of the day and date of this present sederunt. It being moved that the parishes of the said shire should be cast into districts, and separate courts and offices of the Justices of Peace appoynted and designed for administration of justice to the leidges, as may be thought most convenient for the ease and convenience of the said Justices and leidges.

CARMICHAELL.

Whilk being considered be the said Justices and voted be them, it was carried *una voce* that the said shire should be cast into four districts, whilk are as follows :

Cast of the parishes of the shire of Lanark into districts, as voted and approven by the generall meetting, the 28 day of October 1707, for the more easie dispatch of justice to her Majesties leidges, whether as to the excises or actions anent debts or breach of the peace

which may be pursued att the saids respective districts & courts to which the parishes, as they ly nearest, are annexed, declairing that any Justices of Peace within the shire, if present att these courts, may sitt and judge with the rest, albeit not his proper district. *Nota* that some of the Justices are designed to severall districts which is in respect of their residence and nearness to the severall districts and interest therein, or in respect that there is not sufficient number of the Justices as yett qualified in the districts to make up a quorum.

Court or office att Lanark.

Parishes to answer there are : Lanark and burgh thereof, Carluke, Carstairs, Carnwath, Pettinaie, Carmichaell, Covington, Wistoun, Robertoun, Craufoord, Craufoord-john, Douglas, Lesmahagow.

Justices to attend this court are : the Duke of Douglas, the Earle of Selkirk, the Earle of Hyndfoord, the Earle of Hopetoun, the Lord Carmichaell, Mr. William Carmichaell of Badronald, advocate, Mr. Daniell Carmichael of Mauldslic, Mr. David Carmichaell of Carseford, advocat, William Weir of Stonebyres, Sir Wm. Gordon of Halleraige, Sir Andrew Kennedy of Clowburn, George Baillie of Jerviswood, Robert Kennedy of Aughtifardell, Walter Lockhart of Kirkton, the oldest magistrate of the burgh of Lanark.

Court or office att Biggar.

The parishes to answer ther are : Biggar, Coulter, Lambington, Symington, Liberton and Quodvan, Wallstoun, Dunsyre, Dolphington.

Justices to attend this court are : the Earle of Forfar, the Earle of Wigtoun, the Earle of Hyndfoord, the Lord Carmichaell, Mr. William Carmichaell of Badronald, advocat, Mr. David Carmichaell of Carseford, advocat, Sir William Meinzie of Gladstons, Alexander Meinzie of Coulterallars.

Court or office att Hamilton.

Parishes to answer ther are : Hamilton, Bothwell, Ber-

tram Shott, Dalyell, Cambusnethan, Dallserfe, Stainehouse, Evandale, Glasfoord, Killbryde, Blanter, Cambuslang.

Justices to attend this court are : the Duke of Hamilton, the Earle of Selkirk, the Earle of Forfar, the Earle of Rutherglen, the Lord Blantyre, Sir David Stewart of Coltnes, Sir John Inglis of Cramond, William Hamilton of Wishaw, James Hamilton, younger, of Rosehall, Mr. Daniell Carmichael of Mauldslee, Sir William Stewart of Castlemilk, Sir Archibald Fleeming of Farme, James Hamilton of Peneaitland, Captaine Gavine Hamilton of Raploch, Daniell Campbell of Saughfield, John Forbes of Possill, Walter Lockhart of Kirkcounie. CARMICHAELL.

Court or office att Glasgow.

Parishes to answer ther are : the burgh of Glasgow and barronie parish thereof, Calder, Old Munkland, New Munkland, Rutherglen, Carmonie, Govane, Careart.

Justices to attend this court are : the Earle of Eglington, the Lord Blantyre, Sir Archibald Fleeming of Farme, Sir William Stewart of Castlemilk, Sir John Schaw of Greenock, Sir David Stewart of Coltnes, Captaine Gavine Hamilton of Raploch, James Hamilton, younger, of Rosehall, John Forbes of Possill, Daniell Campbell of Saughfield, the oldest magistrat of Glasgow and the oldest magistrat of Rutherglen.

And it being moved that the first meeting of the Justices for the severall distriets abovementioned should be appoynted, the saids Justices hes appoynted and heirby appoynts that the first meeting of the Justices for the district of Lanark shall be att Lanark, within the tolbooth thereof, upon Tuesday, the eleventh of November nixt to come, against eleventh hours in the forenoon ; and the first meeting of the saids Justices for the district of Biggar, att Biggar, upon Thursday, the thirteen day of the said moneth of November nixt to come, against ten hours in the forenoon ; and the first meeting of the saids Justices for the district of Glasgow, att Glasgow, within the tolbooth therof upon Wednesday, the nyneteen day of the said moneth of November foresaid, againstt eleven hours

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in the forenoon. And the first meeting of the Justices for the district of Hamilton, att Hamilton, within the tolbooth thereof upon Fryday, the twenty-one day of November foresaid, againstt ten hours in the forenoon. And ordains the persons named and designed in this present meeting to be constables for the severall parishes within the respective districts abovewrytten, to attend upon the said Justices att the severall district offices above specified, upon the particular dyetts above sett down, and to accept in and upon them the office of constabulary and give oath *de fidei*, and ordains the clerk to intimat to the Justices the dyetts of meeting for the severall districts forsaid, and also ordains him to wrytt to the persons named to be constables, as said is, to attend *ut supra*, certifieing them if they failzie they will be proceeded against be the Justices as accords. Lyke as the saids Commissioners and Justices of Peace, considering that they have now east the said shire into four districts and courts and offices of the Justices of Peace, and that the said James Carmichaell, ther said clerk, cannot conveniently attend att the said district offices att all tymes to discharge to them the said office of clerkship, therfor the saids Justices hes granted and heirby gives and grants power and warrand to ther said clerk to create deputts and grant deputations to fitt and qualified persons to discharge the said office of clerkship to the saids Justices att the said district offices or other places as they shall be called in his absence and for whom he shall be answerable. And grants and allows to him and them the fees, profyts and emoluments ariseing from the said office of clerkship as appertaineth.

CARMICHAELL.

Att Lanark the eleventh day of November J^mvii^c
and seven years.

Rolls called. Justices present are: the Lord Carmichaell, the Laird of Mauldslic, the Laird of Stonebyres, the Laird of Kirktowne, Baillie Simpstone.

The Justices of Peace present elects the Lord Carmichaell to be preses.

The said day the Minutts of the former dyett in relation to constables being read, the saids Justices of Peace ordains the rolls of the persons named and designed to be constables within the severall parishes of the district of Lanark, and mentioned in a subservyed list thereof of the date the twenty-eight of October last, to be called, and the saids rolls being formally called be the clerk, and the greatest number of the saids persons named to be constables as said is, compeiring personally and representing to the saids Justices that they had no knowledge of the said office of constabulary and duety requyred of them therein, nether had they knowledge of the substance of the oath *de fideli*, imposed by law to be taken be constables, and therfor craves that a competent tyme may be allowed to them to deliberat upon both heads. Wherupon the saids Justices ordaine ther said elerk to read over the instructions to the constables mentioned in the Act of Parliament J^{mvi}^c and sixty-one [] with the oath *de fideli* therin contained, and had respect to the request of the saids persons and allows them the nixt meeting of the saids Justices att Lanark heirefter appoynted, to compeir and take the oath *de fideli* and imbrace the said office of constabulary, certifieing such as shall not compear or shall compear and refuse to accept the said office, the saids Justices will proceed and fyne each person failzeing heiruntill in the sume of ane hundreth pounds Scots money besydes imprisonment att the discretion of the saids Justices. And for that effect the saids Justices of Peace appoynts ther nixt meeting to be att Lanark, within the tolbooth therof, upon Tuesday, the twenty-fifth day of November instant, againstt eleven hours in the forenoon. CARMICHAELL.

Glasgow, 19 November 1707, being the first meeting of the Justices for ther district.

Justices present att this meeting: Sir Archibald Fleeming of Farm, Sir William Steuart of Castlemilk, Captain Gavin Hamilton of Raploch, John Bowman, eldest magistrat of Glasgow for the tyme.

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The saids Justices elected Sir Archibald Fleeming of Ferm to be preses.

The saids Sir Wm. Steuart and Baillie Bouman suears the oath of alleadgence to her Majestie Queen Ann and subscriyves the same with the assurance, and also takes the oath *de fidei in communi forma*.

The Justices appoynts ther nixt meeting for the district att Glasgow to be within the tolbooth therof upon the tenth day of December nixt to come, being Wednesday, againstt eleven hours in the forenoon. As also the Justices recomends to the heretors in each paroch within the district of Glasgow to make nominatione of such persons as may be fitt and qualified for discharging the office of constabulary, being not below the number of two persons for each parish, and to give in the said nomination to the Justices againstt ther nixt meeting that the saids persons may be then admitted, as the Justices shall find ground, and ordains the clerk to cause make intimation heirof att the respective church doors Sabbath nixt or Sabbath come eight days, att fardest.

AR. FFLEMING.

Att Hamilton, 21 November 1707, being the first meeting of the Justices of Peace for that district be vertue of the forsaid appoyntment.

Rolls called. The Justices present are : Captain Gavin Hamilton of Raploch, James Hamilton, younger, of Rosehall.

The said James Hamilton did take and suear the oath of alleadgence to her Majestie Queen Ann and subscriyved the same with the assurance, and also took the oath *de fidei in communi forma*.

John Hamilton of Fairholm being constitute clerk-deputt for the district of Hamilton, he took the oath of alleadgence and subscriyved the same with the assurance, and also took the oath *de fidei in communi forma*.

The Justices present considering that ther is not constables as yet settled within this district, they do recomend to the heretors within the severall paroches to make

nominatione of such persons as may be fitt to be constables within the saids parochens, being tuo in number att least for ilk paroch, and the saids heretors to send in lists of the saids persons to the Justices againstt ther nixt meeting, and ordains ther clerk to cause make intimatione heiroyf att the severall kirk doors upon Sabbath day, being the threttieth day of November instant. The saids Justices does appoynt ther nixt meeting for the district of Hamilton to be att Hamilton, within the tolbooth therof, upon Thursday, the eleventh day of December nixt to come, againstt eleven hours in the forenoon.

GAV. HAMILTON.

J. HAMILTON.

Lanark, 25th November 1707.

Rolls called. The Justices present are : the Lord Carmichaell, the Laird of Mauldslie, the Laird of Stonebyres, the Laird of Aughtifardell.

The Justices of Pcece present elects the Lord Carmichaell to be preces.

The last Minutts being read and the rolls of the persons named to be constables being this day called, the persons efternamed compeired and accepted the office of constabulary and give the oaths *de fideli in communi forma*, viz. :

Carluke :—Alex. Muirhead in Colstainc, Robert Gilbertsone in Braidwood, Robert Baillie in Kincadzow, James Pincartone in Milntoun Wood. Lanark :—James Gardiner in Nemphlar, Wm. Meek in Coblehauch. Carnwath :—John Girdwood in Lampetts, William Spence in Greens of Cerswall, James Brown in East Sheill. Craufoord :—Simeon Dobie in Craufoord, Mungo Williamsone in Peddan. Robertoune :—Edward Lindsay in Robertoune. Wistoun :—Ritchard Johnstone of Eastfield. Carmichaell :—William Carmichaell in Carmichaell boat. Douglas :—Thomas French in Craighburn, James Lees in Douglas, James Stevensone in Earlsmylne. Lesmahagow :—Thomas Brown in tounfoot of Afflochan, John Hamilton,

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merchant in Abbeygreen, James Miller, merchant there, James Hamilton in Southfield, John Martane in Hillhouse. Carstairs :—Thomas Smith in Sheddshill, John Spenes in toun of Carstairs. Pettinaine :—John Clerkson, merchant in Pettinaine, Thomas Simpstone in Mylnhill.

A letter of excuse sent from John Brydon in Blackburn in Craufoord parish, which was seen and admitted be the Justices. Letter of excuse sent from Thomas Steuart in Craufoordjohn, whilk was also seen and admitted be the saids Justices. Letter of excuse sent from John Patersone, younger, in Lochlade, in the parish of Carmichaell, whilk was also seen and admitted be the saids Justices.

The saids Justices of Peace, notwithstanding of ther admittance of the forsaid letters of excuse from the saids John Brydon, Thomas Stewart, and John Patersone, appoynts and ordains them to attend at ther nixt meeting and imbrace the said office of constabularye with certificatione as effeires.

The saids Justices of Peace appoynts ther nixt meeting for the district of Lanark to be att Lanark within the tolbooth thereof upon Wednesday, the tuncy-fourth of December nixt to come, againstt eleven hours in the forenoon.

CARMICHAELL.

Lanark, 24th December 1707.

Rolls called. Justices of Peace present are : the Lord Carmichaell, the Laird of Mauldslee, Baillie Simpstone.

The Justices of Peace present elects the Lord Carmichaell to be preses. The said day Adam Murray in Thankertone boat accepts to be constable within the parish of Covington, and gave his said oath *de fidei*.

The said day the Justices of Peace appoynts ther nixt meeting to be upon Thursday, the fifteen day of January nixt to come, againstt eleven hours in the forenoon.

CARMICHAELL.

[No Minute of Meeting held on 15th Jan. 1708.]

Lanark, the third day of February 1708.

The said day, by warrand of the Lord Carmichaell, John Carmichaell, indweller in Lanark, was admitted to be constable officer for the shire of Lanark, who gives his oath *de fidei in communi forma*.

Lanark, 2d March 1708, being a Generall Meeting and Quarter Session.

Rolls called. The Justices of Peace present are: the Lord Carmichaell, the Laird of Mauldslie, Sir William Meinzie of Gladstones, the Laird of Coulterallars, the Laird of Kirktoune, Baillie Simpstone.

The Justices of the Peace present elcets the said Lord Carmichaell to be preces.

Letter of excuse from Aughtifardell read, and he exeused. Stonebyers and Raploch and Mr. William Carmichaell, advocat, absent *reipublicae causa*. Kirktoun gives ane excuse for Coltnes upon which he is excused. Castlemilk, Ferme, Rosehall, younger, and the eldest magistrat of the burgh of Glasgow absent, and no excuse made for them.

John Hamilton, constable in Lesmahagow, haveing apprehended the person of Patriek Mudie, a theif, upon whom he found eight pounds one shilling Scots, which he had stollen from John Lindsay in Covington, and the said John Hamilton haveing given out half a crown for mainteanee of the theife within the tolbooth of Lanark and a merk of incident charges, the Justices ordains the said tuo artieles to be retained be him in his own hand and to make payment of the rest to the said John Lindsay, and recomends the said constable to be rewarded by the Justices for his own pains att the nixt Quarter Sessions.

[It] being represented to the bench be the said Sir William Meinzie that the first meeting of the saids Justices for settleing of the court and office att Biggar for a distriet thereof which was appoynted to have been kept therat upon the day of last bypast,¹ conforme to ane act of the saids Justices made in the last

¹ 13th Nov. 1707.

Quarter Sessione, was not observed throw the inconveniences that happened to be att the tyme, and therfor desyred that a new meeting may be appoynted att the said district office att Biggar and that the persons already named to be constables within the severall parishes of the said district may be advertised to attend thereat to accept of the office of constabulary upon them. Which representation being heard and receaved be the Bench, the saids Justices of Peace *una voce* appoynts a new meeting of the Justices of Peace for the district of Biggar to be kept therat upon Saturday, the sixth of March instant, against ten hours in the forenoon, and ordains the clerk to dispatch letters to the severall persons, named to be constables for the severall parishes within the said district, to attend at the said court and office att Biggar upon the day forsaid, and to accept the said office of constabulary upon them.

The overtures for regulating of domestick servants fees and workmen, shearers and craftsmen wages, being brought in conforme to ane minutt and act of the last Quarter Sessione, and the said Justices of Peace, efter mature deliberatione, haveing att lenth heard, read, seen and considered the severall articles contained in the said overtures, and what may be most equall and reasonable between masters, servants, workmen, shearers and craftsmen anent the premisses, the saids Justices of Peace, all in one voice, turned the saids overtures into one Act whereof the tenor follows :

Acts and Orders of her Majesties Commissioners and Justices of Peace for the shire of Lanark, made in their Generall Meeting and Quarter Sessione, regulating domestick servants fees, workmen and harvest shearers and craftsmens wages.

Lanark, 2nd March 1708, being a Generall Meeting and Quarter Sessione of the saids Justices, the said Commissioners and Justices of Peace for the said shire of Lanark, in pursuance of their instructions concerning the ordinary hyrc, wages and fees of workmen, labourers and servants,

and the pryces of craftsmens work, having seriously advised and considered the same, do therefore order and appoynt the said hyre, wages and pryces in manner following :

1. A domestick servant man or inn servant who is eable to performe all manner of work relating to husbandry, viz. to plow, sow, stack, drive carts and lay on loads, he is to have yearly for fee and bounty £24 Scots at Whitesunday and Mertinmas by equall portions in full satisfacione of a years service and no more.

2. Item, a manservant of younger years, commonly called a half lang, being a domestick servant, is to have yearly for fee and bounty £16 Scots, to be payed as aforsaid and no more.

3. Item, boyes or lads, haveing their meat in the house, are to have £8 Scots for a years service for fee and bounty, to be payed as aforsaid and no more.

4. Item, a strong and sufficient woman servant for barns, byres, shearing, brewing, bakeing, washing and other necessary work within and without the house, is to have for fee and bounty £14 Scots for a years service, to be payed as aforsaid and no more.

5. Item, a lass or young maide is to have £8 Scots for a years service for fee and bounty, to be payed as aforsaid, and no more.

6. Item, the lykes fees are to be payed to serving men, women, lads and lasses respective, who serve such masters as have no labouring of land.

7. Item, every Justice of Peace shall compell any such man or lad, woman or lass, who is eable and cappable of service, and unmarried, and furth of service, and whom they think meet to serve, to be hyred in service by the year or half year for the fees abovementioned respective, and if any man, woman, lad or lass shall refuse, they shall be committ to prisone untill they be bound to serve as aforsaid.

8. Item, that no harvest shearer, man or woman, except such as are hyred for the space of a year or half year, viz. from Whitesunday to Mertinmas together, shall be feed for

the whole harvest season, for a sett fee and bounty, as formerly, but only upon dayes wages ; and that the above-written rule and method of cutting down and saving of corns in the harvest season upon daily wages may be made the more effectually, the saids Justices of Peace appoints the burghs and mereat touns efterspecified to be places for hyreing of shearers within the said shire, viz. Glasgow, Hamilton and Strathaven, in the nether waird ; and Lanark, Douglas and Biggar, in the over waird of the said shire, and appoints all hyrers of shearers and persons to be hyred as shearers to repair to the saids burghs and mereat touns respective, weekly, upon Munday and Thursday, as the season of the year and harvest offers.

9. Item, that a sufficient man shearer shall have six shilling Scots money, with meat and drink, for a dayes shearing, and no more.

10. Item, a man shearer of younger years, commonly called a half lang, shall have four shilling, Scots, of wage, with his meat and drink, for a dayes shearing, and no more.

11. Item, a sufficient woman shearer shall have fyve shilling Scots of wage, with meat and drink, for a dayes shearing, and no more.

12. Item, a younger maid or woman shearer shall have three shilling Scots of wage, with meat and drink, for a dayes shearing, and no more.

13. Item, that every Justice of Peace, upon complaint, shall cause all such artificers and tradsmen and other persons as be meet for Labour (by his discretione) to work by the day in harvest tyme, for cutting down and saving of corns, and shall, upon the refusall, Imprison them for tuo dayes and one night, *toties quoties*.

14. Item, a tasker, as a thresher of corns of all sorts, if he be Employed to thresh for some few weeks or dayes, he is to have the twenty fifth pairt of all such corns as he shall happen to thresh—which is commonly called the Lott or proffe, and no more : But if he be a tasker in mains, wher he getts constant threshing all the winter tyme, then he is to work and serve in all necessar husband work, the whole summer and harvest tyme, his wife is to shake the straw,

shear in harvest and work att all manner of work as a hynds wife, for which service, besydes the Lot, which is the twenty fifth pairt of what he threshes, he is to have a eot-house and a kaill yeard, a boll of meall in summer and a soumes grass¹ yearly, with meat to himself and his wife, for ther working in harvest.

15. Item, a common workman or Labourer, who works for dayly wages, is to have six shilling Scots, without meat or drink, and three shilling Scots, with meat and drink, for a dayes service, and no more.

16. Item, a mason is to have a merk Scots, without meat or drink, and half a merk, with meat and drink, for a dayes service, and no more. Young boyes and prentices are to be payed aecording as ther work shall deserve.

17. Item, a wright is to have twelve shilling, without meat or drink, and six shilling, with meat and drink, for a dayes service, and no more.

18. Item, a borrow man is to have six shilling, without meat and drink, and three shilling, with meat and drink, for a dayes work, and no more.

19. Item, a thatcher of houses (who is soe designed for his constant trade in that service) is to have ten shilling Scots, without meat and drink, and six shilling, with meat and drink, for a dayes service, and no more.

20. Item, a taylor, getting his meat in the house, is to have fourty pennies for a dayes work, and no more. .

21. Item, the dayly wages to be appointed for craftsmen and labourers in the artieles above wrytten, are understood to be due only from the first of Mereh to the last of September; but betwixt the first of October and the last of Feberuary the saids dayly wages are to be diminished, respective, in the sixth pairt, because of the winter season and shortnes of the day—except such as work with eandle light, in which ease they are to have the full wages abov-exprest.

22. Item, a pleough wright is to have for makeing a plow a merk Scots, and no more.

23. Item, it is ordained that the respective pryces

¹ Pasture for 1 cow or 5 sheep.

aforsaid both for craftsmen and servants shall be in full satisfacione of all bounties, rewards, morning and four hours drinks, sowing of corns, bear, lintseed or of any other thing which formerly hath been given to servants or craftsmen.

24. Item, if ony labourer, workman, harvest shearer or servant shall refuse to serve upon the pryees respectiue abovementioned he shall be imprisoned and furdur punished as appertaineth.

25. Item, if ony servant shall leave ther masters service before his due tyme expire, without shewing a just cause to a Justice of Peace he shall be reputed a vagabound, and punished according.

26. Item, that no master give, nor servant, workman, harvest shearer, or craftsman shall receave any greater fees, pryces or wages than is above exprest with certifiatioune, if they shall fail heirin they shall incurr the penalty of the equivalent of the fee, price or wage soe given and receaved contrair to the tenor of the severall articles above written, *toties quoties*, both master, servant, harvest shearer and craftsmen, and a fourth part therof, respectiue, shall belong to the Informer (if any be) and the remanent part therof to be disposed upon by the saids Justices of Peace, as they think fitt.

27. Item, that all masters take notice that if they shall not, from tyme to tyme, satisfie and pay ther servants fees and wages as the same shall become due, as they are respectiue and particuarly abovementioned, upon complaynt therof the said masters shall be compelled to pay the saids fees by and attour the damages (to be modified by two of the Justices of Peace) sustained by the saids servants for the want of ther fees and wages and that summarly, without tedious or long proees of law.

28. Item, that whatsoever person assist not the parish constables in executing ther offices shall be imprisoned and fined as the Justices shall think expedient.

29. That the said Justices shall putt to due executione the laws and aets of Parliament made against idle and solitary men and women and servants tyed to no certane

service and particuar by the Act Ja. I. par. 3, cap. 66, entituled : Act that every man that hes nought of thir own shall labour for his living. Item, the Act Ja. 6, par. 23, Cap. 21, Entituled Act anent servants goeng louse and leaving ther masters service ; and ordains the same to be printed and published herewith that none may pretend ignorance of the samen.

30. Ane overture being made that care should be taken for the maintenance of such poor and indigent persons who are not eable or eapable to work for ther living and that the old eustome of begging be suppress and that the laws against Vagabounds and Willfull beggars and Egyptians, etc., should be putt in exeutione, etc. And efter some reasonings about this overture the Justices of Peace were of opinion that whatever method they could take anent this matter it would not be made effectuell till a generall rule were taken thereanent over the haille cuntry as well as in this particuar shire. Therefore thought it necessar that applicatiene should be made to the Lords of her Majesties Privy Councell for advice, etc.

31. Ane overture being made that notice should be taken anent mending of highways and reparatiene of Bridges, etc., which was ordained to ly on board till the nixt meeting—the said Justices of Peace ordaine thir presents to be extracted forth of the records of ther aets and proceedings and the samen, with the forsaid tuo Acts of Parliament to be printed and published att the Mercat croeces of the severall burghs within the said shire of Lanark and also att the most patent doors of the severall parish kirks within the samen, upon the first sabbath of Aprill nixt to come immediatly efter divine service in the forenoon. And ordains printed copies of the samen to be affixed upon the said Mercat croeces and paroch kirk doors respective that none may pretend ignorance therof. CARMICHAELL.

Att Lanark, the second day of Mareh 1708, the commissioners and Justices of Peace for the shire of Lanark haveing made Aets and Orders regulating domestick servants fees and workmen, harvest

shearers and craftsmens wages, and that the more punctuall observance might be given therunto, the said Justices of Peace ordain the Acts of Parliament underwritten to be printed and published therewith, wherof the tenor follows :—

Act Ja. I. Parl. 3 Cap. 66, ii March 1425, Entituled :

Act that every man that hes nought of his own shall labour for his living.

The King, with consent of his parliament, hes statute and ordained that ilk Shirreff of the realme within his Bailliary enquir dilligently Gif any idle men, that has not to live of their own, be received within his bounds efter the Whilk Inquisitione, the Shirreff sall gar arreist sik idle men and gar keep them in Fastnes while¹ it be knownen whereupon they Live.—And that the countrey sall be unskaithed of them, thereupon the Shirreff sall receave gude and sicker burrowes efter the quhilk Burrowes founden, the Shirreff sall assigne fourty dayes to siek idlemen to Gett them masters or to fasten them to Laufull craftes, and the fourty dayes beand gane, Gif they be found mair Idle, the Shirreff sall arreist them againe and send them to the Kingis prisone to abide and be punished att the Kings will. And this be done als weill in burrowes, as on Land, throw all the realme.

Act Ja. 6 par. 23 Cap. 21, 4 August 1621, Entituled :

Act anent servants Goeing Lowse and Leaving their masters service.

Our soveraigne Lord and estates of Parliament, understanding the Great Straytes and necessities Whereunto poore Labourers of the Ground are driven and constrainyd especially by the fraud and malice of servants who either refuse to be hyred without Great and Extraordinary wages promised unto them or otherwise hyre themselves only from Mertinmas to Whitesunday, efter the which tearme of Whitesunday they cast themselves Louse of purpose and Intentione to make their gaine and advantage by the

¹ until.

extraordinary works which befall in that season betuixt Whitesunday and Mertinmas, such as casting and winning of peats, turfe, fewell, divots, building of fold dykes, and shearing in the harvest, for doing wherof they know the saids husbandmen, who have necessarily adoe therewith, will be forced to hyre them att dayly and weekly wages and such high rate as they please, to the great harme of the Labourers of the ground and all his Majesties subjects ; for remeid wherof it is statute and ordained that it shall not be lafull for any hyred servant, from Martinmas to Whitesunday, to leave his master att the said tearme of Whitesunday and to runne lowse in that service, except he be able to verifie to the Justice of Peace or constable of the bounds that he is hyred to another maister from the said Whitesunday to Mertinmas thereafter. And if it be found that he is not hyred to another master, then and in that case it is declaired that it shall be lafull unto his present master to keep and detaine, from the said feast of Whitesunday unto Mertinmas, for payment to him of such wages as he payed to him of before. And if he refuse to serve, that the Justices of Peace shall have power to compell him therunto. And if the said servant of the quality forsaid break lowse from his master, it shall be lafull for his master to take and apprehend him wherever he findeth him and present him unto the constable or Justice of Peace upon the ground where he shall be found, who shall have power to compell the servant to returne to his former master, if it be found that he is masterless and none otherwayes. And such lyke his Majestie and estates finds and declaires that it shall be lafull unto all his Majesties leidges, who have necessarily adoe with labour, to take and apprehend and imploy in the works whatsoever lowse and masterless men and women whom they shall find within their own bounds. And such lyke that the Justices of Peace and constable shall have power, att the instance and desire of whatsoever person his Majesties leidges, to force and compell all and whatsoever lowse men and women to serve for competent hyre and wages.

CARMICHAEL.

The first court for the district of Biggar holden therat upon the 6th of March J/m/vii^c and eight years.

Rolls called. The Justiees of Peace present are : James, Lord Carmiehaell, Sir W^m Meinzie of Gladstaines, M^r Alex^r Meinzie of Coulterallers Advocat.

The saids Justices of Peace present elects the said James, lord Carmiehaell to be preees.

The Minutts of the former Quarter Sessions anent the nominatione of Constables within the severall parishes of the district of Biggar being read, and the wairning made to the persons to be constables therein by letters direct to them by the clerk and the verifieatione of the delyverey therof being manifested to the saids Justiees, and the Rolls of the said persons named to be Constables being called, the persons efter named compeired and accepted the said offiee of constabulary upon them for the respective parishes wherein they live, and give ther oaths *de fidei in communi forma*. And the Lists of the said parishes and the names and designations of the persons aaccepting of the said office are as follows :—

Libertoune : Lauranee Broun in Muirhouse, William Aiken portioner of Cormistoune. Dunsyre : Hugh Grahame in Mains of Dunsyre. Wallstoune : [Blank]. Dolphingtoune : William Thomsone in Kirkhouse of Dolphingtoune. Biggar : James Telfer in Boghall. Coulter : John Murray in park of Coulter, John Thomsone in Coulter. Lambingtoune : John Watsone in Newhouse of Lambingtoune. Symningtoune : [Blank].

CARMICHAELL.

The saids Justiees of Peace, after comissionne of the persons abovenamed to be Constables, as said is, allowes and ordains them to serve in the said offiee to the first Tuesday of May nixt to come allenarly, in regaird that it was not throw the default of the saids Constables that they were not admitted in November last, conforme to the Aet made in the Quarter Sessione upon the twenty eight of Oetober last bypast. But the delay came throw the inconveniencie that hapened in the tyme, which then prevented the meeting of

the saids Justices of Peace att the said district office att
Biggar. CARMICHAELL.

Lanark, 13th Appryle 1708.

Rolls called. The Justices of Peace present are: The Earle of Hyndfoord, the Lord Carmichaell, the Laird of Mauldslie, the Laird of Stonebyres, the Laird of Gladstaines, the Laird of Ferme, the Laird of Kirtoune, the eldest magistrat of Glasgow, being Robert Rodger, provest of Glasgow.

The Justices of Peace present elects the Earle of Hyndfoord to be preces.

Compeired Andrew Hay of Craignethan, shirreff deput of Lanark, and mentioned to the Bench that, in obedience to a letter directed by the undersecretary to the shirreff principall of Lanark and her deputs, and by order of her Grace Anne, Dutches of Hamilton, shirreff principall of the said shire, he had written letters to the saids Justices of Peace for the shire of Lanark to meett and convene att this place this day, and which letter he shewed to the Bench and, by ther allowance, was read by their clerk and in which letter soe directed to the said Shirreff and her deputs their was ane other inclosed sealed, under the Quarter Seall, directed by the Lords of her Majesties Privy Councill to the Justices of Peace for the shire of Lanark, and which letter the said shirreff deput delyvered to the said preses and the same, by a vote of the Bench, was made open by him, and in which letter soe directed to the saids Justices of Peace their was ane Act of Parliament made in the Parliament begun and holden att Westminster the twenty third of October J^mvii^c and seven years, Entituled ane Act for the better security of her Majesties person and Government; and which letter and Act of Parliament being delyvered by the said preses to the clerk and being by him read to the Bench, the haill Justices of Peace abovenamed present in this meetting (except the said Walter Lockhart of Kirktoune) and James Carmichaell, ther clerk beforenamed, did take, swear and subscriyve the oath to her sacred Majesties Queen Anne appointed to be taken by them be the forsaid

Act of Parliament—the said oath being first administrat be the clerk to the preses, and then be the preses to the clerk and efterwards be the said preses to the haill Bench. And theirefter the saids Justices of Peace ordered their said Clerk to make ane act therupon and record the samen in the records of their proceedings, and also to record theirin the forsaid letter direct to them and to keep and preserve the principall letter itself (as he will be answerable) wherof the tenor follows: After our hearty commendations—Wheras by ane Act passed this present sessione of Parliament entituled Ane Act for the Better Security of her Majesties Person and Government, it is amongst other things enacted: That it shall and may be lawfull for any tuo Justices of the Peace, wherof one of them to be of the quorum,¹ within any of the countyes, ridings, divisions, steuartryes, cities or burroughs within this kingdome of Great Britain, att any tyme or tymes, to summon and convene before them all such persons within the limits of their respective jurisdictions, powers and authorities, as they shall or may suspect to be dangerous or defected to her Majestie or her Government, and shall and may tender to every such person and persons the oath mentioned and sett furth in the said Act, a copy wherof is heirunto annexed; and shall at the nixt Quarter Sessions of the Peace, to be held for the county or place in which the said oath shall be tendered, certifie the Christian names and sirnames, and place of abode, of all persons refuseing to take the said oath, to be there recorded in order to be thence certified by the clerk of the Peace of such county, riding, liberty, burrough, toun corporat or place within England, into her Majestys Court of Chancery or Queens Bench att Westminster; and by the clerk of the Peace of every shire, steuartry, burrough, or place in Scotland, into the Court of Sessione their, to be recorded in the Register Rolls of the said respective courts. That if the person soe refuseing and certifyit shall not, within the nixt tearme or sessions efter such refusall, appear in the

¹ 'Of the quorum'—among the English Justices—signified those members conversant with the Law.

Court of Chancery, Queens Bench or sessions wher such certificat shall be returned, and in open court audibly and solemnly take and subserve the oath aforsaid, and endorse and enter his soe doing upon the certificate soe returned, he shall be from the tyme of such his neglect or refusall, taken, esteemed and judged a popish recusant convict, and as such shall forfeit and undergoe such penalties as popish recusant convicts ought to doe by the laws now in force within England.

And whereas wee are given to understand that within the limits of your jurisdictions their are severall persons dangerous and disaffected to her Majesty and her Government, to whom it may be necessary forthwith to tender the said oath, We doe therfore in her Majestys name, and by her command, hereby pray and requyre you, that you doe meett together att the most usuall places of meeting within your respective divisions, and as you see cause, you doe subdivide your selves soe as tuo or more Justices of the Peace may be allotted and appointed for tendereing the said oath in each usuall or proper subdivisiōe of such your respective divisions to all such persons as they shall have reasone to apprehend to be dangerous or disaffected to her Majestie or her Government. And in case any such person or persons shall refuse to take the said oath, when the same shall be soe tendered, then such Justices as shall soe tender the said oath are to certify the Christian names and sir names, and places of abode of every such person and persons soe refusing to take the said oath to the nixt Quarter Sessions of the Peace, which shall be holden for the shire or place in which the said oath shall be soe tendered, to the end that such refusers of the said oath may [be] further proceeded with, according to the directions of the said Act. And wee are further to acquaint you with her Majestys pleasure, That you take care as soon as possible to send up ane account, to be laid before her Majesty in Councill, of your proceedings heirin. And soe wee bid you heartily ffarewell.—From the Councill Chamber at St Jameis this 21th day of March 1708.—Your loving ffrinds, GODOL-

PHIN, MARLBOROUGH, MONTROSE, KENT, SEAFIELD,
SOMERSET, QUEENSBERRY, SUNDERLAND, LOUDOUN.

Justices of the Peace of the shire of Lanark.

Lykeas the forsaid letter is directed on the back thus :—

To our loving ffrriends The Justices of the Peace of the
shire of Lanark in that pairt of Great Britain called
Scotland.

The saids Justices of Peace, in farder prosecutione of the
forsaid letter and Act of Parliament, apoints their nixt
meetting to be att this place upon Tuesday the twentieth
seventh of Apryle instant against ten hours in the forenoon,
and ordains their elerk to signifie the same to all these who
are named to be Justices of the Peace for the shire of
Lanark by her Majestys commissione and proclamation.
Dated the twentieth sixth of August last bypast.

HYNDFOORD.

Lanark, 27th Aprill 1708.

Rolls called. The Justices of Peace present are : The
Earle of Selkirk, the Lord Carmichaell, the Laird of
Mauldslie, the Laird of Stonebyres, the Laird of Glaid-
stones, the Laird of Raploch, the Laird of Kirktoune,
Baillie Simpstone.

The saids Justices elects the said Lord Carmichaell to be
preses.

The saids Justices of Peace being constitut into a court
and the preses chosen as said is, Compeired the Right
Honourable Charles, Earle of Selkirk, etc., one of her
Majesties Commissioners and Justices of Peace named by
the forsaid comission and proclamation, who did take,
suear and subseryve the oath to her Majesty Queen Anne as
is appoynted to be taken be the forsaid Act of Parliament.
Compeired lykewayes Captain Gavine Hamilton of Raploch,
one of the Justices of Peace allready accepted, who also did
take, suear and subseryve be the oath to her Majesty *ut*
supra.

The said Walter Lockhart of Kirktooun compeired and

mentioned that he had not occasion before the last meeting of the saids Justices of Peace, which was upon the thirteenth day of Aprill instant, to see the forsaid Act of Parliament, wherein the forsaid oath is ingrossed, and Acts related to in the said oath, which occasioned him not to proceed to take the oath att that tyme, and he haveing since seen the samen, he did now take, suear and subserve the said oath *ut supra*.

Compeired lykewayes Archibald Simpstone, present eldest magistrat of the burgh of Lanark, one of the Justices of Peace allready accepting, who being necessarily abroad the tyme of the last meeting, he did now take, suear and subserve the said oath to her Majesty *ut supra*.

Compeired David Craufoord, secretary to her Grace the Dutches of Hamilton, and as clerk to the admisionne of nottars, and also compeired John Robertoune, clerk to the shyre of Lanark, who, as clerk and nottar, and also William Weir of Sunnysyde and Keeper of the Register of Seasings of the shyre of Lanark, who did all take, suear and subserve the oath to her Majesty *ut supra*. The saids Justices of Peace appoints their nixt meeting to be att this place upon Tuesday the fourth of Maij nixt to come, against ten hours in the forenoon, being a Generall Meeting and Quarter Sessione of the saids Justices, and that nomination of constables for the respective parishes within this shire be made that day, and ordains ther clerk to wrytt letters to the Justices of Peace for that effect.

CARMICHAELL.

Lanark, 4th Maij 1708, being a Generall Meeting and Quarter Sessione.

Rolls called. The Justices of Peace present are : The Laird of Mauldslie, the Laird of Glaidstones, the Laird of Stonebyers, the Laird of Rosehall, younger, James Hamilton of Pencaitland, the Laird of Kirktoune, Baillie Simpstone.

The Justices of Peace elects the Laird of Mauldslie to be preses.

The court being constitute as said is, the said James Hamilton of Pencaitland, as one of the Justices of Peace for the shire of Lanark, haveing never appeared in the former meettings, he did now take, suear and subscryve the oath to her Majestie, appointed to be taken be the Act made in the Parliament, begune and holden att Westminster upon the twentieth third of October last bypast entituled Ane Act for the better security of her Majesties Person and Government, and that in the severall capacities underwrytten, viz. as one of the Justices of Peace for the shire of Lanark, item as a Commissioner of Supply for the said shire ; item, as baillie of her Majesties palace of Holyrudhouse, named by her Grace the Dutches of Hamilton.

Item, Compeired Robert Kennedy of Oughtifordell, who shewed to the bench that he was necessarily absent from the last two meettings and therfor he now qualified himself by takeing, suearing and subscryveing the forsaid oath to her Majesty.

Item, Compeired James Hamilton, younger of Rosehall, one of the Justices of Peace for the shire of Lanark, who, being absent from the former meettings, he did now qualifie himself as one of the Justices of the Peace forsaid and as a Commissioner of the Supply for the said Shire, by takeing, suearing and subscryveing the forsaid oath to her Majesty.

Item, Compeired the severall persons efternamed and qualified themselves in the respective capacities and offices eftermentioned, ilk ane of them as is efter sett doune, by takeing, suearing and subscryveing the forsaid oath to her Majestie, as is prescryved be the forsaid Act of Parliament, viz. Sir Archibald Fleming of Ferme, who qualified himself as Commissar of Glasgow ; item, William Somervell of Kenock, who qualified himself as Commissar Deput ; item, John Brysone, Commissar of Hamilton and Campsie, who qualified himself as such ; item, John Stevensone, Commissar Clerk of Glasgow, who qualified himself as Commissar Clerk forsaid ; item, George Stirling, pror. fiscall of the said Commissariot of Glasgow, who qualified himself as pror. fiscall forsaid ; item, John Chapman, Commissar Clerk of Hamilton and Campsie, who qualified himself as

clerk forsaïd and as clerk and fiscall deput of Glasgow and procurator ther; item, John Sellrige, pror. fiscall of the Commissariot of Hamilton and Campsie, who qualified himself as pror. fiscall forsaïd and as pror. fiscall of the regality of Gorbells and wrytter in Glasgow and procurator before the courts of Glasgow, Hamiltone and Campsie; item, Walter Buchannan, wrytter in Glasgow, who qualified himself as clerk deput of the Commissariot of Hamilton and Campsie and as pror. and nottar publick; item, John Syme, wrytter in Glasgow, who qualified himself as pror. and pror. fiscall of the toune court of Glasgow; item, James Brouster, wrytter in Glasgow, who qualified himself as clerk deput of the admiralties of the west seas and as nottar publick and pror.; item, James Alexander, wrytter in Glasgow, who qualified himself as shirreff clerk deput of Lanark and as pror.

Item, John M'Ure, wrytter in Glasgow, who qualified himself as Keeper of the Register of Seasings att Glasgow, and as nottar publict and pror. Item, John Stirling, clerk to the regality of Glasgow, who qualified himself as clerk forsaïd. Item, Alexander Bryce, wrytter in Glasgow, who qualified himself as clerk of the regality of Montrose, clerk deput of the regality of Glasgow and as nottar publict and pror. Item, Robert Bartone, nottar publict, who qualified himself as nottar publict forsaïd. Item, the said Walter Loekhart of Kirktone, who qualified himself as Intendant to her Majesties invalides; Item, David Crauford, secretary to her Grace the Dutches of Hamilton, who qualified himself as clerk to the Admissione of Nottars, Clerk to the Commissioners of Supply for the shire of Lanark and as nottar publick.

Item, John Robertoune, clerk to Lanarkshire, who qualified himself as clerk forsaïd and as nottar publick and pror. before the courts att Hamilton.

Item, William Weir of Sunnysyde, who qualified himself as Keeper of the Register of Seasings for the shire of Lanark. Item, William Culline, clerk of the regality of Hamilton, who qualified himself as clerk forsaïd and as nottar publict and pror. before the shirreff court of Lanark, etc. Item,

John Hamilton of Fairholme, who qualified himself as clerk deput to the Justices of Peace in the district of Hamilton and as pror. before the courts there. Item, John Semple, one of the present baillies of Hamiltone, who qualified himself as ane of the baillies forsaide. Item, John Muirhead, one of the present baillies of Hamilton, who qualified himself as [one of the] baillies forsaide. Item, James Weir, toun treasurer of Hamilton, who qualified himself as toun treasurer forsaide. Item, William Wardrope of Calderhead, who qualified himself as nottar publick. Item, Archbald Simpstone, one of the present baillies of the burgh of Lanark, who qualified himself as baillie forsaide. Item, William Wilkie of Provansyde, Commissar of Lanark, who qualified himself as Commissar forsaide. Item, William Ingles, apothecary in Lanark, who qualified himself as dean of Gild of the said burgh and ane of the toun council therof, and as Commissar Deput. Item, John Hay of Newtoun, who qualified himself as baillie of the regality of Craufoord John and baillic of the baillarie and of Craufoord Douglas and as one of the Commissioners of Supply for the shire of Lanark and nottar publick. Item, Eduard Meinzie, wrytter in Lanark, who qualified himself as pror ffiscall of the shirreff and commissar courts of the said burgh and shirreff substitute. Item, Robert Dick, clerk to the toun dean of gild and trades of Lanark, who qualified himself as clerk forsaide and as nottar publick and pror. before the inferior courts and clerk to the regalities of Carstairs and Braidwood. Item, Alexander Willsone, wrytter in Lanark, who qualified himself as nottar publick and pror. before the inferior courts att Lanark. Item, William Thomsone, wrytter in Lanark, who qualified himself as nottar publick and pror. before the inferior courts of the said burgh. Item, John Houson, clerk to the regality of Douglas, who qualified himself as clerk forsaide and as pror. before the inferior courts of Lanark, and nottar publick. Item, Mr John Meinzie, wrytter in Douglas, who qualified himself as nottar publick and messenger in Douglas. Item, James Carmichaell, commissar clerk of Lanark, who qualified himself as clerk forsaide and as

shirreff clerk deput of the shire of Lanark and nottar publict and as clerk to the Justices of the Peace.

Alexander Baird qualified himself as nottar publict, as messenger and as clerk att Biggar.

Applicatione was made be the said Robert Dick, toun clerk of Lanark, for and in name of Michael Lamb and James Laurie, wrytters there, representing that they are for present under extream sicknes and cannot attend this Quarter Session for the effect forsaid, and therfor craveing the samen to be marked and they allowed to qualifie thereafter if they shall be recovered to there health.

Item, ane testificat under the hand of Alexander Knox, chirurgeon in Glasgow, on soul and conscience, was produced for James Dunlope, wrytter in Glasgow, certifieing that the said James was not eable to travell to this place, etc. A letter was produced from Sir William Steuart of Castlemilk giveing reasons why he cannot attend this Quarter Sessione. A letter was also produced from Captain Gavine Hamilton of Raploch giveing reasons why he cannot attend this Quarter Sessione.

The saids Justices of Peace haveing made nomination of constables for the severall parishes within the shire of Lanark, conforme to a particular list therof, to serve in the said office of constabulary for the space of six moneths ensueing, and appointed there addmissione therto, to be att the severall district offices of the said shire within the whilk district the said parishes lyes; and that upon the dayes ffollowing, viz. att Lanark and Hamilton upon Tuesday the eleventh day of Maij instant against ten hours in the forenoon, and att Biggar the thirteen of Maij forsaid against ten hours in the forenoon, and att Glasgow upon [] And ordains ther clerk to wrytt and dispatch letters to the saids persons soe named to be constables, to attend att the said district offices respective upon the dayes forsaid, to the effect above mentioned, certifieing ilk anc of them if they faillzie therein they will be fyned in fourty pounds Scots, besydes being compelled to accept the said office.

Item, applicatione was made be the saids Archibald

Simpsons, one of the present baillies of Lanark, William Inglis, present dean of gild, and Robert Dick, clerk there to the bench, mentioning and desyreing that the saids Justices of the Peace might be pleased to allow to the tounne councill and others within the burgh of Lanark lyable to take the oath of abjuratioun, the continuatioun of this dyet for a day or tuo that they might qualifie themselves in regard that this day the bench are much bussied in admitting and administrating of the said oath to others who live att great distance and who were desirous to be dispatched, and that the touns people, this day being the publick market within the said burgh, were bussied about their market, etc. Which applicatioun being made to the bench be the saids persons this day att three oclock of the clock in the efternoon, and the bussines before them being then over, the bench (for the touns convenience) adjourned there Quarter Sessione to the house of William Thomsone, innkeeper att Lanark, and appointed the same to continue to the sunsetting this day. And the preses and others of the Justices of the Peace abovenamed, haveing attended att the house of the said William Thomsone during the said space, and none of the saids persons of the tounne councill and others within the said burgh, lyable in takeing of the said oath, haveing attended there to take the same, and the said baillie, dean of gild and clerk haveing againe besought the saids Justices of Peace to meett with the tounne councill att the house of Mr John Young, also innkeeper there, to the effect forsaide, and they haveing granted there desire and gone with them to the house of the said Mr John Young, and haveing con[tinued] there for some considerable space and none of the said tounne councill and others, lyable in takeing of the said oath, (who had not allready taken the same) haveing attended the saids Justices of Peace att that place to the effect forsaide, therefor the saids Justices of the Peace dissolves the said Quarter Sessione.

D. CARMICHAELL.

Lanark, ijth Maij 1708.

Rolls called. The Justices of Peace present are: The Laird of Mauldslic, the Laird of Stonebyers, the Laird of Aughtifordell, the Laird of Kirktone, Baillie Simpstone.

The Justices of Peace present elects the said Laird of Mauldslic to be preses. The rolls of the persons named to be constables for the severall parishes within the district of Lanark, being wairned by letters from there clerk to this day, and being called upon, the persons efternamed compeired personally and accepted the said office of constabulary for the current six moneths and gave there oaths *de fidei in communi forma*, viz. :—

Carluke: William Hinsellwood, in Kincaidzow; John Davidstone, sone to Gavine D., portioner of Brounlee; Robert Forest, portioner of Braidhead; Robert Prentice, in Gair. Lanark: John Carmichael, in Lanark; Thomas McGie, in Cleghorne. Carnuath: Thomas Smyllie, in Westsydewood; Robert Grahame, in Carnuath; William Spence, younger, in Kersewell. Craufoord: James Scot, in Cowhill. Craufoordjohn: William Scot, merchant in Craufoordjohn; James Currie, in Overwhytecleuchy; William Black, in Nethertowne of Craufoordjohn. Rober-towne: John Sadler, in Shillahead. Covington: Thomas Braidwood, in Hillhead of Covington. Pettinaie: George Duncan, in Dykeheads; William Duncan, in Pettinaie. Douglas: William Inglis, in Scrogtowne; John Quharie, masone in Douglas. Lesmahagow: Richard Forest, in Abbaygreen; William Steell, in Bush; Thomas Duncan, in Blackhouse; John Forest, in Poneill of Lesmahagow; James Broun in Corhouse; John Hodgen, in Hillend.

Persons named to be constables absent :—

Carstairs: Nicoll Somervell, younger, in Carstairs; John Whyte, in Mossplat. Craufoord: John Gibstone, in toun-head of Craufoord. Wistoun: John Gilesie, in Wistoun, younger. Douglas: James Whyte in Hiesellsyde; James Livingstone of Scragtounhead. Carmichael: John Paterson, younger, in Lochlack.

The Justices of Peace ordains the absents to be cited against there nixt meetting, which they appoint to be upon the first day of June nixt to come and ilk person under the penalty of fourty pounds Scots money.

Lykeas the clerk produced in presence of the bench ane Act of the Parliament of Great Britaine intituled Ane Act for rendereing the union of the tuo Kingdomes more intire and compleat and mentioning Whereas by her Majesties great wisdome and goodnes the union of the tuo Kingdomes hath been happily effected, and the whole island is thereby subject to one sovereignty, and represented by ane Parliament. To the end therefore that the said union may be rendered the more compleat and intire, be it enacted by the Queens most excellent Majesty, by and with the advice and consent of the Lords spirituall and temporall, and Commons in this present Parliament assembled, and by the authority of the same—That from and efter the first day of Maij in the year of our Lord one thousand seven hundred and eight, the Queens Majesty, her heirs and successors, shall have but one Privy Councill in or for the Kingdome of Great Britaine to be sworn to her Majesty, her heirs and successors, as Sovereigns of Great Britaine, and such Privy Councill shall have the same powers and authorities as the Privy Councill of England lauffully had, used and exercised att the tyme of the union and none other.

And to the end the publick peace may be in lyke manner preserved throughout the whole Kingdome, Be it further enacted by the authority aforesaid that in every shire and steuartry within that pairt of Great Britaine called Scotland, and also in such cities, boroughs, liberties and precincts within Scotland, as her Majesty, her heirs or successors shall think fitt, there shall be appointed by her Majesty, her heirs or successors under the Great Seall of Great Britaine, a sufficient number of good and lauffull men to be Justices of the Peace within there respective shires, steuartries, cities, boroughs, liberties, or precincts—which persons soc appointed, over and above the severall powers and authorities vested in Justices of the Peace by

the laws of Scotland, shall be further authorized to doe, use and exercise over all persons within there severall bounds, whatever doth appertaine to the office and trust of a Justice of Peace by vertue of the laws and Acts of Parliament made in England before the union in relatione to or for the preservacione of the publick peace, provyded nevertheless that in the Sessions of the Peace the methods of tryall and judgements shall be according to the laws and customs of Scotland, provided that nothing in this Act contained shall be construed to alter or infringe any rights, liberties or priviledges heretofore granted to the city of Edinburgh, or to any other royall borough of being Justices of the Peace within their respective bounds.

D. CARMICHAELL.

Biggar, 13th Maij 1708.

Rolls called. Justices of Peace present are : The Earle of Hyndfoord, Sir William Meinzie of Glaidstaines, Baillie Simpson. The saids Justices of the Peace present elects the said Earle of Hyndfoord to be preses. The rolls of the persons named to be constables for the severall parishes within the district of Biggar being wairned by letters from the clerk to this day, and being called upon, the persons efternamed compeired personally and accepted the said office of constabulary upon them for the current six moneths, and gave there oaths *de fidei in communi forma*, viz. :—

Libertone : John Thomsone in Libertone, William Smith in Quodquan. Dunsyre : William Ritchie in Hills of Dunsyre, James Leisman in Dunsyre ; Dolphingtoun : James Grahame in Dolphingtoun. Biggar : Andrew Broun of Langercroft, John Thrippland in Spittall. Coulter : Alexander Stevensone in Coulterallars, David Glaidstones in toun of Coulter. Lambingtoun : Martane Watt in Lambingtoun. Symningtoun : Alexander Bartleman in Symningtoun.

Thomas Frome in Borland and Andrew Aiken in Ellsrigle for the parish of Wallstoun, absent, and they, haveing by

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letters under there hands acknowledged the receipt of the letters direct to them for there compeirance this day, and shewing there disobedience and unwilling[ness] to accept the said office of constabulary, therfor the saids Justices of Peace fynes ilk ane of them in the sume of fourty pounds Scots.

The saids Justices of Peacc nominats Nathaniell Gray in Hillhouse to be one of the constables for the parish of Lambingtoune, who is to be cited for that effect.

HYNDFOORD.

Lanark, 1st June 1708.

Rolls called. Justices of Peace present are : the Earle of Hyndfoord, the Laird of Mauldslic, the Laird of Kirktonne, Baillie Simpstone.

The saids Justices of Peace elects the said Earle of Hyndfoord to be preses.

The said day John Gibsone in toun of Craufoord, within the parish of Craufoord ; John Gillespie in toun of Wistone, within the parochen of Wistone ; John Patersone, younger, in Lochlack, within the parochen of Carmichaell ; James Livingstone of Scrogtounthead, within the parish of Douglas—who accepted upon them the office of constabulary within the severall parishes wherein they live, and gave there oaths *de fidei in communi forma*.

The saids Justices of Peace appoints there next meeting to be att this place upon Saturday, the fifth of June instant, against ten hours in the forenoon.

HYNDFOORD.

Lanark, fifth day of June 1708.

Rolls called. Justices of Peace present are the Laird of Mauldslic, the Laird of Kirktone, Baillie Simpstone.

The saids Justices of Peace elects the said Laird of Mauldslic to be preses.

Lanark, 3d August 1708, being a Generall Meetting
and Quarter Sessione.

Rolls called. Justices of the Peace present are : the Lord Carmichaell, the Laird of Aughtifardell, Baillie Bouman in Glasgow, Baillie Simpstone in Lanark.

The saids Justices of the Peace elects the said Lord Carmichaell to be preses.

It being represented to them be John Bowman, ane of the present baillies of the burgh of Glasgow, that severall of the collectors, clerks, surveyors, waiters and other persons employed in her Majesties service for collecting and in-bringing of her Majesties custooms att the custome office in Glasgow and seaports upon Clyde within the shire of Lanark, and also that the collectors, supervisors, gaugers, clerks and other persons employed in collecting and in-bringing of her Majesties excises att the excise office in Glasgow and other places upon Clyde lyeing adjacent thereto within the shire of Lanark, hes not as yett taken the oath to her Majesty appointed by law, and that it will be hurtfull to her Majesties interests, that these persons shall attend att this place to take the said oath and therefor craves the bench to grant allowance to them to take the said oath before any quorum of the saids Justices upon the place, as occasione shall offer ; and the bench haveing considered the representatione they ffind the same reasonable and profitable to her Majesties services and therefor grants and allows the said persons to take the said oath before any quorum of the saids Justices att Glasgow or any other place as occasione shall offer, the samen being signed and recorded according to law, etc.

Att Lanark the third day of August J^mvii^c and eight years, annent the representatione and pe[ti]tione given in before the saids Justices for the shire of Lanark, convened for the tyme in there said Generall Meetting and Quarter Sessione, kepted this day within the tolbooth of Lanark, head burgh of the shirreffdome thereof, by Robert Dick, wrytter in Lanark, as pror. for George Lockhart of Carnuath and severall other heretors within the said shire,

subscryvers thereof, MENTIONEING whereas by there act dated the second day of March last, it is ordained that none within there district shall imploy shearers for cutting doun the corns but such as are hyred by dayes wages, and that att such particular places and under such penalties as is at lenth contained in the said act. And whereas there is too much reasone to fear that the ensweing harvest will be very late—the obliedging the tennants and countrey people to ffollow this new method (to which they are alltogether strangers and which cannot att first be brought to perfectione) and may have dangerous consequencies by retarding the cutting doun the crope. AND THEREFORE CRAVEING that the saids Justices of the Peace might take the premisses to serious consideratione and be pleased to suspend the executione of the forsaid act for this year and cause intimatione thereof be made that the countrey people may be advertised thereof and accordingly provide themselves with shearers as formerly, as in the said petitione att lenth is contained. And whilk petitione being presented to and given in before the saids Justices of the Peace in there said Generall Meeting and Quarter Sessione in manner forsaid, and being by them efter mature deliberatione att lenth heard, read, seen and considered, they have GRANTED and heirby GRANTS the desyer of the said petitione, and suspends the executione of the forsaid act as to the hyreing of harvest shearers by dayly wages for this currant year and ensweing harvest J^mvii^c and eight years, because of the seemeing latenes of the harvest and other reasons abovementioned. And DISPENCES with harvest masters there hyreing of harvest shearers as formerly and that for this currant year allenerly. AND NOTWITHSTANDING thereof the saids Justices of the Peace hes revived and heirby revives and renewes the act made by them in there Quarter Sessione upon the twenty eight day of October last by past, intituled Ane act regulating the tyme and manner of hyreing of domestick servants, and ane other act made by them in there Quarter Session upon the said second day of March last bypast entituled Acts and Orders of the saids Justices of the Peace regu-

lating domestick servants fees, workmen and harvest shearers and craftsmen wages, etc.: and decerns the saids respective acts and orders to be putt to due and lauffull executione in manner therein contained against the contraveeners thereof, and that also weill for tyme past as in tyme to come, excepting as to the hyreing of harvest shearers by dayly wages for the ensweing harvest in this currant year J^mviii^e and eight years allenerlly, the executione whereof as to that poynt they have suspended and dispenced with harvest masters hyreing of harvest shearers as formerly, for the said ensweing harvest allenerlly in manner abovementioned. And ordains thir presents to be published att the severall mercat croces of the burghs within the said shire of Lanark and other places needfull, etc.

The saids Justices of the Peace appoints there nixt meeting for the district of Lanark to be upon Tuesday the tenth of this instant.

— Item, appoints a meeting for the district of Glasgow to be att Glasgow upon Weddnesday the eleventh instant and recomend to them to settle constables within that district. The Justices of the Peace continues the imposeing or leiving of any fyne from the Justices of the Peace absent from this meeting, to the nixt Quarter Sessione.

CARMICHAELL.

Lanark, Tewsday, 26th October 1708, being a
Generall Meeting of the Quarter Sessions of the
Justices of the Peace for the shire of Lanark.

Rolls called. The Justices of Peace present are: Mr. William Carmichaell of Badronald, her Majestys solicitor, Sir William Meinzie of Glaidstaines, Sir Archibald Fleeming of Ferme, Sir David Steuart of Coltnes, William Vere of Stonebyers, Alexander Meinzie of Culterallars, Captain Gavine Hamilton of Raploch, Daniel Campbell of Saughfield, Robert Rodger, provest of the burgh of Glasgow, William Inglis, present eldest baillie of the burgh of Lanark.

James Carmichaell, clerk of the Peace for the said shyre, represented to the Justices of the Peace above convened that he had lately received from the shirreff depute of Lanark a new Commission of the Peace directed by her Majesty Queen Anne, fourth of the Chancellary of Great Brittain for the shyre of Lanark, and whilk Commission, with a copy thereof converted into English, was read in presence of the Justices of the Peace abovenamed, and of whilk copy of the said Commission converted into English as said is, the tenor follows :—

Anne, by the Grace of God, Queen of Great Brittain, France and Ireland, Defender of the Faith, etc.—To our dearest husband, George, Prince of Denmark, the most Reverend Father in Christ and our faithful counsellor, Thomas, Archbishop of Canterbury, Primate of All England and Metropolitan thereof; our weel beloved and faithful counsellor, William Lord Couper, Chancellor of Great Brittain, our dearest cousins; cousins and counsellors, Sidney Earle of Godolphine, Lord High Treasurer of Great Brittain, Thomas Earle of Pembroke and Montgomery, President of our Councill, John Duke of Newcastle, Keeper of our Privy Seall, William Duke of Devon, Steuart of our household, James Duke of Ormond, James Duke of Queensberry, James Duke of Montrose, Henry Marquess of Kent, Chamberlaine of our household, James Earle of Derby, Chancellor of Dutchie of Lancaster, Thomas Earle of Stampfoord, Charles Earle of Sunderland, one of our principall Secretaries, Charles Bodvile, Earle of Radnor, Charles Earle of Berkly, Francis Earle of Bradfoord, Hugh Earle of Cholmondely, John Earle of Mar, Hugh Earle of Loudon, James Earle of Seafield, the Reverend Father in Christ and our faithful counsellor Henry, Bishop of London; our weel beloved and faithful counsellor William Lord of Dartmouth, Henry Boyl, another of our principall Secretaries; Thomas Cock, Esquire, Sir John Trevor, Master of the Rolls of our Court of Chancery, Sir Thomas Trevor, Chief Justice of our Bench, Sir Charles Hedges, James Vernon, John How, Thomas Erle, Esquires, Our dearest cousine, — Earle of Cromarty, Justice

Generall, our beloved and ffaithfull Counsellors, Adam Cockburn of Ormistoune, Esquire, Sir John Lauder of Fountainhall, Sir William Anstruther of that ilk, Sir Gilbert Eliot of Minto, Sir Robert Steuart of Tillicultrey, Mr. James Erskine of Grange, Lords of our Justiciary and Lords of our Justiciary for the tyme being, as also our dearest Cousins [] Earle of Eglintoune, [] Earle of Wigtonne, Charles, Earle of Sellkirk, Archbald, Earle of Forfar, John, Earle of Ruglen, John, Earle of Hyndfoord, [] Earle of Hopetoune and our weel beloved and ffaithfull [] Lord Carmichaell, [] Lord Blantyre, as also our weell beloved and ffaithfull Mr. Daniell Carmichaell of Mauldslee, Mr. William Carmichaell of Badronald, Sir Archibald Flemming of Ferme, Sir William Gordon of Halleraige, Sir William Meinzie of Glaidstones, Sir William Steuart of Castlemilk, Sir John Shaw of Greenock, Sir David Steuart of Coltnes, Sir John Inglis of Cramond, Sir Andrew Kennedy of Clowburn [Daniell] Weir of Stonebyres, William Hamilton of Wishaw, James Hamilton, younger, of Rosehall, George Baillie of Jerviswood, Robert Kennedy of Aughtifordell, James Hamilton of Pencaitland, Alex^r Meinzie of Coulterallars, Captain Gavine Hamilton of Raploch, John Forbes of Possill, Daniell Campbell of Saughfield, Walter Lockhart of Kirktone, Colline Campbell of Blythswood, William Campbell of Succoth, and the principall magistrat of ilk burgh within the said shire being for the tyme excepting brewers allenerly—Greeting, know ye that wee have made and assigned yow conjunctlie and severallie and each one of yow our Justices for preserveing the peace in our shyre of Lanark and to the keeping of the whole acts, laws and statutes for the good of our people and keeping thereof and for the quiet rule and government of our people in all and sundry articles thereof, within your said shyre, as weell within the libertyes as without the same and for keeping and makeing of the same to be kept according to the strenth, forme and effect of the said laws and for the chaistiseing and punisheing delinquents or transgressors of the forsaid customs, laws and statutes or any

of them within your said shyre according and conforme to the custoom, laws and statutes made or to be made and for makeing all those who do menace or threatn one another of our people of their bodyes or burning their houses ffind sufficient security to the peace; and that yee cause them come before yow or any of yow for that effect, and if they shall refuse to ffind such security, then yow shall cause them to be kepted safely in our prisons untill they ffind the said security. AS ALSO wee have given to yow and each tuo or more of yow, of whom any of yow abovenamed George Prince of Denmark, the Archbishop of Canterbury, Chancellor of Great Britaine, Lord High Treasurer, President of our Councill, Keeper of our Privy Seall, Duke of Devon, Duke of Ormond, Duke of Queensberry, Duke of Montrose, Marquess of Kent, Earle of Derby, Earle of Stamfoord, Earle of Sunderland, Earle of Radnor, Earle of Berkely, Earle of Bradfoord, Earle of Cholmondely, Earle of Mar, Earle of Loudon, Earle of Seafield, the Bishop of London, Lord Dartmouth, Henry Boyle, Thomas Cock [Coke], John Trevor, Thomas Trevor, Charles Hedges, James Vernon, John How, Thomas Erle, the Earle of Cromerty, Adam Cockburn, Sir John Lauder, Sir William Anstruther, Sir Gilbert Eliot, Sir Robert Steuart, Mr. James Erskine, Earle of Eglington, Earle of Wigtoune, Earle of Selkirk, Earle of Forfar, Earle of Ruglen, Earle of Hyndfoord, Earle of Hopetoune, Lord Carmichaell, Lord Blantyre, Daniell Carmichaell, Mr. William Carmichaell, Sir Archibald Flemming, Sir William Gordon, [Alex.] Meinzies, Sir William Steuart, Sir John Shaw, Sir David Steuart, Sir John Inglis, Sir Andrew Kennedy, [William] Weir, William Hamilton, James Hamilton, George Baillie, Robert Kennedy, James Hamilton, Gavine Hamilton, John Forbes, Daniell Campbell, Walter Lockhart, Coline Campbell, William Campbell and the principall magistrat of each burgh within the forsaid shyre being for the tyme—brewers only excepted—WEE WILL to be one of our Justices for enquireing conforme to the law and custoom of the law concerning all and whatsomever ffelonies or capitall crymes, witchcrafts, inchantments, magicall arts,

sorceries, transgressors, fforestallings, regrateings, ingrossings and extortions whatsoever. And all and every other malificies and offences concerning which the Justice of our Peace may lafully enquire into or ought to enquire into by whatsoever or whatsoever persons within the said shyre the same be acted or done or which heirafter shall happen there to be done or attempted; as also concerning all those who within the said shire shall aither goe or ride armed in conventicles contrary to our peace in molestatione of our people or heirafter shall presume soe to goe or ride; as also concerning all those who there ly in wait for hurting, demembrating or killing of our subjects or who heirafter shall presume to ly in wait; as also concerning all inns and public houses, and all and sundry other persons who have transgressed in abuseing of weights and measures or in sale of victwalls contrary to the forme, laws and statutes or any of them made for the Common Good of our people or concerning them who have attempted to transgress, or heirafter shall presume to transgress and attempt the same. And sicklyke concerning whomsoever shirreff, baillies, steuarts, constables, keepers of goals [gaols] and other officers who unduely behaved themselves in the execution of their offices concerning the premisses or any pairt thereof, or who shall heirafter presume to behave themselves unduely or who have been remiss or negligent or for heirafter shall happen to be soe within your said shyre. And concerning all and sundry articles and circumstances and other things whatsoever done or perpetrat by whomsoever or whatsoever persons in your said county, or which shall happen to be done or attempted for heirafter concerning the full truth of whatsoever sect of the premisses, or any of them, and to look into whatsoever indictments or lybells made or to be made before you, or any of you, or made and taken before the late Justices of our Peace within the said shyre and not yett determined, as also to processes thereupon concerning all and sundry such indictments and accusations or by makeing and compelling them who shall happen heirafter to be indicted or accused before you, until they

be taken and delyver themselves, or be outlawed or denounced rebells, and to hear and determine all and sundry ffelonies, capitall crymes, witchcraft, inchantments, magi-call arts, sorceries, transgressions, forestallings, regratings, ingrossings, extortions, conventicles, indictments. And moreover all and sundry others the premisses conforme to the laws and statutes of the kingdome as the same used to be in the lyke cases ; and for chastizicing and punisheing the same delinquents—and each of them in their own crymes by ffines, redemptions, amerciaments and outlaws or any otherwayes accustomed to be, or ought to be, conforme to law and consuetude of the land, or the form, law and statute of the same : **PROVYDEING ALLWAYES** that if any difficulty shall happen to arise att determining of any of the premisses before you or any two or more of yow, then yow shall not proceed in it to give judgement, except in the presence of one of our Lords of Justiciary, or one of our Justiciary holding the circuit courts assigned in your said county. And therefor wee charge you and every one of yow, that yow dilligently attend concerning the keeping the peace, laws and statutes and whole other premisses ; and that yow, or any tuo of you or more, appoint for that end, certaine tymes and places, and dilligently make enquire in the premisses and hear and determine all and sundry the premisses, and make and cause the things to end, and be ffullfilled according to the forsaid forme made thereanent which pertaines to the Justices of the Peace conforme to the law and consuctude of the land, reserveing to us the amerciaments and others arising to us therefrom. Wee, be the tenor hereof, charge you our Shirreffs of Lanark that att such certaine dayes and places as two or more of the saids Justices shall acquaint yow of, yow cause soe many and such honest and lafull men of your shire as weell within the liberties as without the same, come before you the saids Justices or any two or more of them as said is, by whom the verriety of the matter in the premisses may be the better knowen and determined. And wee also charge the *custos Rotulorum*, or Keeper of the Rolls of our Peace within the said shyre, that he cause

short precepts or minuttis of processes or indictments come before you att the saids dayes and places that they may be enquired into and duely ended and determined as said is. In testimony whereof wee have made thir presents patent. Witnes myself att Westminster the 13 of Maij and of our reigne the 7 year. *Sic subscribitur*,

WRIGHT.

Lykeas the said James Carmichaell, clerk abovenamed, did exhibit and produce before the saids Justices of the Peace, conveened as said is, a dedimus direct with the said commission ffurth of the chancellary of Great Brittain, with the forme of ane oath thereto annexed for ffaithfull administratione to be sworn and subservyed be the Justices of the Peace contained in the said new commission and which dedimus gave power and authorised Sir Archibald Flemming of Ferme, Sir William Gordon of Hallcraige, Sir William Meinzie of Glaidstones, Sir John Shaw of Greenock and Sir David Steuart of Cultnes, or any one of them, to administrat the said oath to such person or persons as in law are obliedged to swear and subservye the same and to make your return thereof to the Chancellary of Great Brittain under there sealls and subscriptions, as in the said dedimus att lenth is contained and of whilk oath for faithfull administratione the tenor follows—Yee shall swear that as Justice of the Peace in the county of Lanark, in all articles in the Queens commission to yow directed yow shall doe equall right to the poor and to the rich, after your cunning witt and power, and after the laws and customs of the realme, and statutes thereof made, and yee shall not be of counsell of any quarrell hanging before yow: and that yee hold your sessions after the forme of the statutes thereof made, and the issues, fines and amerciements that shall happen to be made and all fforefeitures which shall fall before yow, yee shall cause to be entered without any concealment (or imbezilling) and truely send them to her Majesties exchequer: ye shall not lett for gift or other causes, but weell and truely yow shall doe your office of Justice of the

Peace in that behalf, and that yow take nothing for your office of Justice of the Peace to be done, but of the Queen and fees accustomed, and the costs limited by the statute, and ye shall not direct nor cause to be directed any Warrant (by yow to be made) to the pairties. But ye shall direct them to the Bailiffs of the said county or other the Queens officers (or ministers) or indifferent persons to doe executione thereof. Soe help yow God, etc.

And whilk new commission being presented to the saids Justices of the Peace, with the foresaid dedimus and forme of oath in manner abovementioned, and being seen and considered by them, the saids Justices conveened for the tyme, disolved themselves from being a meeting be vertue of the old commission and imbraced the new commission and turned themselves into a meeting be vertue thereof. AND thereupon the said Sir William Meinzie of Glaidstanes, of consent of the said Sir David Steuart of Cultnes and Sir Archibald Flemming of Ferme, three of the persons abovenamed to whom the foresaid dedimus is directed, and present in this meeting, did proceed and administrat the forsaid oath to the Justices of the Peace present and alse the oaths of alleadgence and abjuration (the saids oaths being first administrat to the said Sir William Meinzie by the said clerk of the Peace, and the oaths incumbent to be taken by the said clerk, being administrat to him be the said Sir William Meinzie). And whilk oaths abovementioned being soe sworn and subscryved be the abovenamed Justices of Peace, conveened for the tyme with your said clerk, the saids Justices of the Peace did then proceed to elect a preces to themselves to proceed in this present Generall Meettings and Quarter Sessions, and accordingly they did elect and choice the said Mr. William Carmichaell to be preses in your said Quarter Session. Thereafter the saids Justices of the Peace did proceed to the matters lyeing before them and these things incumbent to be done by them in your saids Quarter Sessions, and after reading of the former sederunt, did first of all caused call the Roll of constables which was admitted to serve for the last six moneths, and the said Roll being soe orderly called, none

of the saids constables was present except the persons afternamed, viz. : James Scot in Cowhill, in the parish of Craufoord, who returned his constables staff to the clerk and desyred to be freed from the said office, whom the said Justices of the Peace freed. John Gibsone in Craufoord, whom the Justices of the Peace continued for the nixt six moneths of his own consent. John Forest in Poneill, in the parish of Lesmahagow, who was freed from the said office upon his own desire be the said Justices of the Peace. Ritchard Forrest in Abbaygreen, in the parish of Lesmahagow, who, of his own consent, was continued for the nixt six moneths. Alexander Stevensone in Coulterallars, in the parish of Coulter, who desyred to be freed, whom the saids Justices freed. David Glaidstaines, in toun of Coulter in the parish of Coulter, who was freed att his own desire. Martaine Watt in Lamingtoun, in the parish thereof, who was freed upon his own desire.

And the haill constables named att the Quarter Sessions holden upon the fourth of Maij last bypast and settled in the respective parishes of the said shyre, being all called upon and none compeirand except the particular persons immediately abovenamed, the saids Justices of the Peace did continue all the absent constables in the said office of constabulary in the respective parishes wherein they were appoynted and that for the ensweing six moneths, viz. from this day to the Quarter Sessions holden upon the first Tewsday of Maij nixt to come.

Compeired [—] Alexander of Blackhouse, who qualified himself as Baillie deput of the regality of Glasgow, whose commission was seen and produced, etc.

Compeired Mr. Archbald Hamilton of Delsersfe, advocat, who qualified himself as Baillie of the regality of Hamilton, whose commission was seen and produced in presence of the saids Justices. Compeired Andrew Shaw, wrytter in Hamilton, who qualified himself as one of the present baillies within the burgh of Hamilton and as nottar publict and pror.

The forsaid oaths being soe sworn and subscryved be the saids Justices of the Peace, being ffairly wrytten and

done upon parchment, they did ordaine the said Sir William Meinzie to make his return thereof to the Chancellary under his seall and subscriptione.

The saids Justices appoynted their nixt meeting for the district of Biggar to be att Biggar upon Thursday, the twenty eight day of October instant, and appoynted the Justices of the Peace allotted for that district to attend there that day and to settle constables in the vacant parisheses.

The saids Justices of Peace appoynted their nixt meeting for the district of Lanark to be att Lanark upon Teusday, the ninth of November nixt, and appoynted the Justices of the Peace allotted for that district to attend there that day and to settle constables in the vacant parisheses. The saids Justices of the Peace appoynted ther nixt meeting for the district of Hamilton to be att Hamilton upon Fryday, the fourth day of November nixt, and appoynted the Justices allotted for that district to attend there that day and to settle constables in the vacant parishes. The saids Justices of the Peace appoynted ther nixt meeting for the district of Glasgow to be att Glasgow upon Weddnesday, the tenth day of November nixt, and appoynted the Justices of the Peace allotted for that district to attend there that day to settle constables in the vacant parishes. The saids Justices appoynted there said clerk to give advertisement of the abovewrytten appoyntments and designs thereof to the Justices of the Peace within the severall districts abovewrytten.

WILL : CARMICHAELL.

Lanark, 1st March 1709, being a Generall Meeting and Quarter Sessions of the Justices of the Peace for the shyre of Lanark.

Rolls called. Justices of Peace present are : Sir William Meinzie of Gleadstones, William Vere of Stonebyers, Sir David Steuart of Cultnes, William Inglis, oldest magistrat of the burgh of Lanark.

The Justices of Peace present elects Sir Willam Meinzie to be preces.

Follows the Return made be Sir William Meinzie of Glaidstains to the Chancellary of Great Britaine, etc.

Att Lanark, Tewsday, the twenty sixth day of October J^mvij^e and eight years, in the Quarter Sessions of the Justices of the Peace for the shire of Lanark, James Carmichaell, clerk of the Peace for the said shire, exhibited to the saids Justices of the Peace, convened for the tyme in the said Quarter Sessions, a commission of the Peace granted to them by her Majestie Queen Anne, under the Great Seall of Great Brittain, of the date the thirteen day of Maij and seventh year of her Majesties reigne, as also a dedimus direct ffurth of the Chancellary of Great Brittain and forme of oath *de fidei administratione* abovewrytten annexed thereto, directed to Sir Archbald Fleming of Ferme, Sir William Gordon of Hallcraige, Sir William Meinzie of Glaidstaines, Sir John Schaw of Greenock and Sir David Steuart of Cultnes, giving power and authority to them conjunctlie and severallie to administer the said oath to the saids Justices of the Peace and to return the samen to the said Chancellary, under all or any of them their sealls and subscriptions as in the said dedimus att lenth is contained; and the said commission and dedimus and forme of oath thereto annexed, being read in presence of the saids Justices of the Peace by their said clerk, they imbraced the samen and thereupon of new againe elected the said James Carmichaell to be ther clerk, who did take and swear the oaths appoynted by law to be taken by him as clerk of the Peace, which was administrat by me, the said Sir William Meinzie, to him and thereafter the oaths abovewritten was administrat by the said clerk to me, the said Sir William Meinzie and the said Sir Archibald Fleming and was subscribed by us, tuo of the persons abovenamed to whom the forsaid dedimus is directed, and immediatly thereafter the abovewrytten oaths was administrat by me the said Sir William Meinzie (of consent of the said Sir Archibald Fleming) to the hail remanent Justices of the Peace convened for the tyme in the saids Quarter Sessions,

viz. : Mr. William Carmichael of Badronald, advocat, her Majesties solicitor, William Weir of Stonebyers, Sir David Steuart of Cultnes, Gavine Hamilton of Raploch, Alexr. Meinzie of Coulterallars, Daniell Campbell of Saughfield, Robert Rodger, provest and principall magistrat of the burgh of Glasgow, and William Inglis, eldest baillie and principall magistrat of the burgh of Lanark (whilk magistrats are not brewers), and the saids oaths were also subservyved be them in manner above wrytten, and afterwards the saids Justices of the Peace turned themselves into a court of the Peace be vertue of the forsaid commissione and elected the said Mr. William Carmichael to be preces to them in the saids Quarter Sessions. In testimonie whereof I, the said Sir William Meinzie, returns the presents with the said dedimus and form of oath to the Chancellary of Great Britaine under my seall and subscription—day and place forsaid. *Sic subscribitur*,

WM. MEINZIES OF GLAIDSTAINS.

Follows the return made be Sir Archibald Fleming of Ferme to the Chancellary of Great Britaine, etc.

Att Glasgow, the twenty third day of December J^mvii^e and eight years, in a court of the Justices of the Peace for the shire of Lanark, holden this day and place for the district of Glasgow, compeired personally Sir William Steuart of Castlemilk, James Hamilton, younger, of Roschall, and Colicin Campbell of Blythswood, three of the Justices of the Peace named in the abovewrytten commissione, who did swear and subservyve the oaths respective abovewrytten in manner abovementioned, the samen being administrat to them by me, Sir Archibald Fleming of Ferme, one of the Justices of the Peace to whom the abovewrytten dedimus is directed, and this return thereof I make to the Chancellary of Great Britaine, as witnes my seall and subscriptione—day and place forsaid. *Sic subscribitur*,

ARCH. FLEMING OF FARME.

Lanark, 1st March 1709, being a Generall Meeting and Quarter Sessions of the Justices of the Peace for the shyre of Lanark.

Rolls called. Justices of Peace present are : Sir William Meinzie of Gleadstones, William Vere of Stonebyers, Sir David Steuart of Cultnes, William Inglis, eldest baillie of Lanark. The Justices of Peace present elects the said Sir William Meinzie preces.

The said day John Robertoune, Shirreff clerk of Lanark, produces a commission for being baillie deput of the regality of Hamilton, dated the nynth day of November J^mviii^e and eight years, and desired the Bench to administer to him the oath appoynted to be taken by him as baillie deput at forsaid, and which oath was administrat to him by the said preces and the samen sworn and subservyed by him.

WM. MEINZEIS.

Lanark, 3rd Maii 1709, being a Generall Meeting and Quarter Sessions of the Justices of the Peace for the shire of Lanark.

Rolls called. Justices of the Peace present are : the Lord Carmichaell, Sir William Meinzie of Gleadstones, Alexr. Meinzie of Coulterallars, Captaine Gavine Hamilton of Raploch, Walter Lockhart of Kirktone, William Inglis, eldest magistrat of Lanark. The said Sir William Meinzie of Gleadstones, one of the Justices of the Peace to whom the dedimus is directed, did administrat the oath of alledgeance, the oath of abjuratiōe and the oath *de fidei*, to the Right Honourable James Lord Carmichaell and Walter Lockhart of Kirktone, which they did swear and subserve *in communi forma*, and thereafter the Bench did elect the said Sir William Meinzie of Gleadstones preces in this meeting and Quarter Sessions.

Letter of excuse from Sir William Steuart of Castlemilk seen and addmitted, and therein he nominats Patrick Whytte in Cathkine and John Reid in Drips to be constables within the parish of Carmonuk for the ensweing six moneths. Letter from John McGilchrist, clerk deput to the Justices

of the Peace for the district of Glasgow, wrytten by direction of the Justices in that district, shewing furth the reasons of ther absence from this Quarter Sessions, viz. the Provost of Glasgow, the Lairds of Blythwood and Shawfield, whilk letter was seen and addmitted and ther absence excused ; and in which letter he also gives account that the magistrats of Glasgow had changed ther constables and putt on[c] new constables, viz. James Scot, maltman, Walter Barton, wright, Archibald Johnstoune, merchant, Robert Fulltone, coppersmith, John Thomsonsone, maltman, John Millar, y^r, John Paull, y^r, maltman, John Hervison, y^r, merchant, James Brisban, tailzeour, Walter Buchannan and Archbald Cameron, maltmen, and John Lecky, merchant ; and the said John Lecky haveing thereafter applied himself to the Justices of the Peace for the district of Glasgow and instructed to them by his charter that he was a freeholder in a fourty shilling land holden of the Queens majestie and had thereby vote in the elections of members to Parliament, and therefor could not be compelled to serve as constable ; and which being considered by the Justices, they sustained his reason and excused him from being constable.

The said day Mr. Archibald Hamilton of Dallsersfe, advocat, compeired and produced a commission granted to her Grace, Anne Dutches of Hamilton, and Shirreff-principall of Lanarkshire, constituteing him to be Shireff-deput—which is dated the twelth day of Appryle last bypast ; and craved to be qualified [and] who was qualified by swearing and subscryveing the oath appoynted to be taken by law.

Lykeas be the forsaid letter from the said John McGilchrist the Justices of the Peace for the district of Glasgow ordered him to signifie to the Bench that they named the persons afternamed to be constables in the parish afternamed, viz. the Barronie parish of Glasgow for the east end thereof, John Lang, maltman, John Rowand of Broomloan ; and for the west end thereof, Andrew Neilsone in Sandihill, Robert Young in Carntyne and William Logan in Provan. Item for the parish of Calder, James Purdon in Newtown

of Partick, William [] in Woodsyde Milne and David Scot in Partick; and for the parish of Govan, James Andersone, maltman, and James Hamilton, indwellar there, and also named Walter McTaggett, Archbald Stirling, John and James Lylle, John Marshall and James Kirkland to be constables for the parishes of [], and craved that the Bench would authorize the Justices of the Peace for the district of Glasgow to administrat the oath *de fidei* to the saids persons att Glasgow, whilk the Bench granted and ordained the clerk of the Peace to wrytt a letter for that effect.

The saids Justices of the Peace, over and above besydes these named in the tuo letters before mentioned, made nomination of persons to serve as constables in the severall parishes of the said shire for the ensweing six moneths, conforme to a roll thereof subscriyved by the said Sir William Meinzie, preses, and ordained the constables for the last six moneths to [be] summoned and enrolled to serve for the ensweing six moneths to attend att the severall district offices upon the respective dyets aftermentioned and to accept of the office of constabulary upon them for the bounds of the parishes wherein they live, and to give ther oaths *de fidei in communi forma*, viz. att Biggar and Hamilton upon Fryday, the sixth of Maij instant; att Lanark upon the tenth, and att Glasgow upon the eleventh dayes of Maij instant, and ordained the clerks for ilk district to send up lists of such as shall accept and be addmitted constables to the clerk of the Peace, that he may record the same in the Generall Register; and also the Bench recomended to the Justices of the Peace in ilk district to consider what number of constables are necessary to serve in every parish within ther districts with respect to the largnes of every parish, conforme to the Act of Parliament, which being done to reduce the severall parishes to as many constablewicks lyeing contigeously together, and that constables and each constablewick make up a compleat list of all the masters of families therein that are subject to serve as constables, whether heretors, tennants, subtennants or tradsmen, and the saids Justices

ordained the clerk of ilk district to send a double of these lists subservyed by them to the clerk of the Peace with all convenient dilligence betwixt the nixt Quarter Sessions, which is upon the first Tewsday of August nixt to come, and afterwards that the masters of familyes in every constablewick might serve as constables therein, as they shall be appoynted by the saids Justices of the Peace att ther discretion.

The Bench ordains that every Justice of the Peace shall make count to the Board of all fynes imposed, or that shall happen to be imposed, by him betwixt and the nixt Quarter Sessions and that att the nixt Sessions; and also ordained the clerk of ilk district to give in abstracts of all sentances pronounced be the saids Justices relative thereto, against the said tyme, to the board as they would be answerable upon ther perrill.

Letter of excuse from Sir David Steuart of Cultnes seen and addmitted.

List of the persons names addmitted to serve as constables within the shire of Lanark for the space of six moneths, commenceing from Tewsday, the third day of Maij 1709, to the last Tewsday of October the said year.

For the district of Biggar and parishes therein :—

Biggar : James Boe in Lang Vault, John How in Linsaylands. Coulter : John Hunter in Coulter, Mungo Inglis in Coultermains. Lamingtoun : John Watsone in Over Barns, Ritchard Patone in Neitherwoodend. Symningtoun : John Tweddie in Symningtoun. Libbertoun : Nicoll Howesone in Libbertoun, James Minto in Quodquan. Dunsyre : William Ritchie in Hills of Dunsyre, Robert Liddell in Dunsyre. Wallstoun : James French in Elserickle, James Kay in Wallstoun. Dolphingtoun : William Patersone in Dolphingtoun.

For district of Lanark and parishes therein :—

Carlouke : Robert Prentice in Gair, James Walker in Carlouke, Allan Patersone in West toun of Kincaidzow, James Mortoun in Law. Lanark : John Carmichaell in Lanark. Carstairs : John Logan in Raipeffletts, Thomas

Muir in Carstairs. Carnuath : James Wyld in Carnuath, Robert Andersone in Newbigging. Craufoord : William Gibsone, portioner of Crawford, Archbald Fairash in Shorteleugh, John Blacklaw in Campshead. Crawfordjohn : John Whytte in Crawfordjohn, John Anderson in Neithertoun of Craufordjohn. Robertoun : William Sandilands in Middeneoats, John Foulter in Robertoun. Wistoun : John Gillespie in Mid toun of Wistoun, David Robisone in new toun of Wistoun. Covingtoun : William Lindsay, y^r, in Covingtoun Hillhead, Robert Laurie in Thankertone. Pettinaine : William Lewars in Grange, William Smith in Sills. Carmichaell : Thomas Lamb in nether toun of Carmichaell, William Dunipace in Crourige. Douglas : W^m Johnston, Yr., merchant in Douglas, James Wilson in Brigton Dykes, Samuel Tayleur in Padoekholm. Lesmaghow : Tho^s Pate in Abbay Green, James Pate in Woodhead, James Millar in Easter toun of Fockertoun, W^m Watsone in Dillars.

For the distriet of Hamilton and parishes :—

Hamilton : John Hamilton in Allanshaw, Robert Hindshaw in Neillsland, James Renwick in Blackboge, John Pollock in Allanshaw. Bothwell : Jas. Hamilton in Bothwell, Richard Riddell in Newarthill, James Laurie in Bellshill. Cambuslang : John Dunning in Letterick, Robert Kellso in Newton. Blantyre : Andrew Strang in Aitkentibber, John Thomson in Barnhill. Stainehouse : Andrew Hamilton in Stainehouse, Thomas Cullen in Tweedie, John Shearer in Kittimuir. Evandale : John Struthers in Carnduff, Alex^r Craige in Evandale, Gideon Jack in Craigemilne, John Meikle in Craigbridgend. Cambusnethan : John Douns in Greenhead, James Russell in Cultnes. Dallyell : James Lightbody in Meadowhead. Killbryde : W^m Semple in Clackburn Milne, Jas. Coats in Bittocksyde, Jas. Blair in Cadgerloan, Robert Stein in Newlands. Dallserfe : John Couper in Milne Heugh. Shotts : Robert Ross in Heartwood Hill. Glassford : Andrew Barrie in West Quarter, John McCronon in Ridge.

For distriet of Glasgow and parishes therein :—

Barony Parish : John King, maltman in [], John

Rowand of Broomloan, Andrew Neilsone in Sandihill, Robert Young in Carntyne, William Logan in Provan. Calder: Jas. Purdon in Newtoun of Partiek, William [] in Woodside, David Scot in Partiek. Govan: Jas. Andersone, maltman, in Govan, Jas. Hamilton, indweller there. Carmonuk: Patriek Whytte in Cathkine, John Reid in Drips.

Att Lanark, the twenty fourth day of Maij J^mviii^e
and nyne years.

Anent the complaint raised, intended and purswed before her Majestys Commissioners and Justices of the Peace for the shyre of Lanark att the instance of James Hutehisone in Annistoun and John Hutehisone, tennant in Easter Annistoun, against Walter Carmichaell, late tenant in Easter Annistoun, now in toun of Symingtoun, makeand mentione that where the said Walter Carmichaell, late tennant in Easter Annistoun, now in toun of Symningtoun, haveing shaken off all fear of God and man and hatehed in himself ane invetrat hatred and malice against the purswers, doth dayly and continually minace and threatne them to doe them harme in ther bodyes, fame and reputatione, and in pursweance of his wicked attempts, the said Walter, upon the first, second or ane or other of the dayes of November J^mviii^e and eight years, did by himself and William Baillie of Littlegill, his accomplice of his sending command, hounding out, resett assistance and ratihabitone, did violently and in a masterfull and hostiall manner, oppress and invade the said James Hutehisone, upon the lands of Annistoun possessed by him as he was goeing att his pleough in peaceable and quiet manner, and with a kain and drawn sword did violently fall upon the person of the said James Hutehison, and by the violence of the thrust given him be the sword did wound him on[e] the neck, and also he was sorely beaten and bruised, on[e] the head and other pairts of his body, with stroakes, wherethrow the said Walter Carmichaell and William Baillie are guilty of the crimes of invadeing the purswer and oppressing him. Lykeas

upon the eleventh day of Maij J^mvii^c and nyne years instant the said Walter Carmichaell by himself, and Rabina Muir his spouse, and Jean Lyndsay his maidservant, in a most barbarous, cruell and inhumaine manner, invade and fall upon the said John Hutchisone, purswer, upon the ground of the lands of Easter Annistoune of his possession, and with a large kain and with stones and with foot and hand did wound, strick, beat, bruise, and abuse the said John Hutchisone through his whole body, and throweing and pressing him down to the ground left wounds upon his head to the effussione of blood and lumpes and cloures upon the head and through his whole body as the effects of the stroakes and bruises given him; and after that the said John had once escaped their hands and fled for some distance from them, the said Walter Carmichaell, his wife and maid servant, in a fresh purswit, did by swiftnes of foot overtake, assalt and assassinat the said John Hutchisone upon that peice of ground called the Hay Know, and of new againe did beat him with the caine till it broak in peices, and throweing him to the ground, and with stones, hand and foot did beat, blood, bruise and abuse his body, head and feace, and one of his eyes almost beat out, and himself nigh breathing out the last. Moreover the said Walter Carmichaell, most unchristianly and inhumanely and with horrable and execreable oaths and curseing and swearing, backbytt and abuse the purswers, calling them filthy dogues, theiff raskalls, and otherwayes names them wickedly, unworthy to be repeated, and particularly slandered the said John Hutchisone in sayeing he had stollen, smeired and disposed upon ane hoge sheep, which pertained to the said Walter, tending by all which misdemeanors to bereave the saids purswers, both of lyfe and good fame, without remead be provided, etc., as in the said complaint and executions of citatione, given thereupon beand the said Walter to have compeared this day and place to the effect abovementioned, att more lenth is contained. The said James Hutchisone, one of the pursuers abovenamed, compeared personally, who repeated his informatione given in by him to the saids Justices of the Peace

att the commenceing of this actione conforme to the Act of Parliament Cha. 2d, par. 1st, Sess. 1st, cap. 38, para. 31, whereof the tenor follows. Unto the Right Honorable her Majesties Commissioners and Justices of the Peace for the shire of Lanark, James Hutchisone in Annistoune informed to the saids Justices of the Peace that upon the [] day of [] J^mviii^c and eight years, when the informer with his servant Daniell Rae was att his pleough upon the lands of Annistounc nigh to the lands of Clachen, in quiet and peaceable manner pleougheing the ground of his possessione with his yocked pleough, Walter Carmichaell in Clachen *alias* Easter Annistoune, now in Symingtoun, came with William Baillie of Littlegill from the house of Clachen rydeing upon horse back (haveing hunting doges and other doges with them), the saids persons did severly hound the informer and Robert Hutchisone, his father, their cattell which were upon the oppen ffield, and the informer perceaveing this att his pleough he step a little west waird from the pleough in order to rescue the cattell from the doges, the said William Baillie of Littlegill came rydeing violently upon the informer and invaded him upon the lands of his possessione and in a masterfull and hostiall manner, from his horse did strick att the informer for sometyme, and when he could not have his designe execute upon the informer from his horse back he lighted therefra and with his drawen sword violently stroak the informer over head and shoulders therewith and thrust him in the neck with the said sword to the effusione of blood, and att the same instant of tyme the said Walter Carmichaell cryed Faylight on[e] the doge, fell him and make quitt of him, and with a large kain stroak the informer four or fyve tymes upon the head ; and when the people was comeing from Annistoun to rescue the informer from them upon notice given them be the ministers servant, and by the informer cryeing murther, etc., the said Walter Carmichaell cryed to Littlegill, Gay take your horse. Wee are over long heir, for there the Egyptians comeing upon us. And soe Littlegill took his horse and rod in haiste to the Clachen. And this informatione thereof in testimony of the truth of the

samen is subserybed by the said informer as in the said informatione duely subserybed by him att lenth is eontained. Lykeas eompeared Mary Gibb, spouse to the said John Hutehisone in Easter Annistoun, in name and behalf of her said husband, who was inabilitat to travell to this place, was verified to the saids Justiees of the Peace by a letter direct by him to the elerk of the Peace of this date.

Lykeas the Right Honorable James Lord Carmichaell, one of the Justiees of the Peace for the said shire, produced ane petition presented to him as one of her Majestys Justiees of the Peace aforesaid, be Robert Hutehisone, father to the said John, in his name and upon his behalf, whereof the tenor follows : Unto the Right Honorable her Majestys Justiees of the Peace for the shire of Lanark, the humble supplicatione of John Hutehisone in Annistoun, humbly sheweth that where upon the eleventh of May J^mvii^c and nyne years, Walter Carmichaell in Claehen, in a masterfull and violent manner, by himself and his accomplices, did fall upon the said John Hutehisone and most severely wounded him in his body and head, and through which wounds he was throwen into a bed of sieknes which might end in death with him ; and seeing the law of God and man allowed and required that the said Walter Carmichaell should be brought to condigne punishement for the said eryme, might it therefore please the saids Justiees of the Peace to take his sad and deplorable condition to serious consideratione and to putt the said Walter Carmichaell under custody or such other security as the law required, as the saids Justiees shall think convenient, till tryall might be made of the forsaid eryme and the samen be prosecute according to law and justice. And in testimony of the verriety of the premisses the said John Hutehisone did subseryve the said supplicatione with his hand att Annistoun, the twelfth day of May J^mvii^c and nyne years, as in the said supplicatione att lenth is contained, conforme to which supplicatione the said James Lord Carmichaell, as one of the Justiees of the Peace forsaid, having caused apprehend the person of the said Walter Carmichaell he upon the said twelfth day of May instant directed a

commitment containing the reasons abovementioned to the magistrats of the burgh of Lanark requiring them to detain the person of the said Walter Carmichaell prisoner within their tolbooth of Lanark, and him in safety to keep till his liberation was ordered by due course of law. And thereafter upon a letter direct by the said John Hutchisone, supplicant, to the clerk of Court, shewing that he was in hopes of recovering to better health, the said James Lord Carmichaell, as Justice of the Peace forsaid, ordered the said Walter forth of prison, he finding caution for his appearance this day, which was accordingly done; and upon the said Walter, his personall appearance this day in judgement, the bond of presentation was delivered back to him. Lykeas the said Mary Gib, spouse to the said John Hutchisone, in his name and behalf, in respect of his inability to travel as aforesaid, gave in ane information to the saids Justices of the Peace from the said John Hutchisone, informing the manner and method of the said Walter, his committing the forsaid riot upon him, conforme to the forsaid Act of Parliament Cha. 2d, par. 1st, Sess. 1st, cap. 38, para. 31, whereof the tenor follows: Unto the Right Honorable her Majesties Commissioners and Justices of the Peace for the shire of Lanark, John Hutchison, now tenant in Easter Annistoun *alias* Clachen, being upon the ground of the lands of Easter Annistoun of his possession upon the cleventh day of May J^mvii^c and nyne years, betwixt eight and nyne in the morning or thereby, and finding James Cunninghame, servant to Walter Carmichaell, then in Clachen (now in Symningtoun), feeding his masters horse, nolt, and sheep upon the saids lands of Clachen or Easter Annistoun, the informer earnestly intreated the servant to keep him free of skaith in his corns of his masters goods, and desired the servant to acquaint his master to doe soe; and thereupon Rabina Muir, spouse to the said Walter Carmichaell, with Jean Lyndsay her maid servant, came from the house of Clachen to the saids goods and in a furious manner drove the flocks of goods down the syck and meadow ground, called Meggs Meadow, and some of the goods runing through the informers sowing corn he

turned back the goods, and then Mrs. Carmichaell and her maid servant fell upon him and stoned him with stones, and many of the stones throwen by them hitting his person ; and then came also the said Walter himself, and he, his wife and maid servant fell upon the informer and with a large kain staff, and with stones, hands and feet did beat, bruise, blood and abuse the informer upon the head and other pairts of his body, throweing, beating and presseing him down to the ground for a considerable space, and the informer haveing once escaped from them for some distance the said Walter Carmichaell, his wife and maid servant, in a fresh purswit, the informer being overtaken by swiftnes of foot by the said maid servant, who detained him by grips till the rest came up to that peice of ground called the Hay Know ovyrbby, and there and then all of them anew againe assalted and assassinated the informer, and the said Walter beat him with the kain till it broak in peices, and with stones, hand and feett did strick, beat, bruise, blood and abuse the person of the said informer, throweing, beating and presseing him down to the ground, leaving wounds upon his head and face to the effussion of blood and lumps and cloures thereone and other pairts of his body, and one of his eyes severely wounded by stroakes, and the said John Hutchisone left in a dangerous condition in fear of death. This informatione thereof was given up and subseryved by the said John Hutchisone, as the samen att lenth is contained. And the said Walter Carmichaell, being personally present in judgment, he gave in the representatione followeing, viz. : Representatione to the Right Honorable Justices of the Peace of the shire of Lanark for Walter Carmichaell, tennant in Symningtoun—The said Walter Carmichaell, haveing been taken out of his bed in the night of the eleventh of Maij instant by ane order of the Lord Carmichaell direct to a pairty of his own dragoons and putt in the Tolbooth of Lanark, the said warrand neither mentioning any informatione, nor containing any cause for which he was soe apprehended ; the next day att night there is a warrand given in be the Lord Carmichaell, narratting that he, haveing receaved informa-

tion that John Hutchisone in Annistoane was dangerously wounded by the said Walter Carmichaell, therefor the said Lord Carmichaell, as one of the Justices of the Peace, ordained the baillies of Lanark to detaine the said Walter Carmichaell in the prisone where he then was, wpon their hig[h]est perrill, wpon the eighteen the said Walter, haveing found cautione to answer upon Tewsday next—being this day—to the lybell that was to be given in against him, was sett att liberty. The said Walter being cited to compear this day and there being lykewayes a great many wittnesses also cited, but he haveing gott no account nor copy of the lybell and soe not knoweing what may be therein contained, he craved in the ffirst place that he might have up and see the samen till next court day according to the ordinary and necessary fforme of procedure in matters of any moment; if this be refused since he must then answer to what he could guess to have been in the said lybell. He made the answers ffoloweing: if it be alleadged or lybelled againstt him that he beat or wounded the said John Hutchine, and therefor ought to be punished, he answered that—denyeing allwayes the said matter of fact—yett altho he had done soe it was nothing but what he might have done according to law. Because he offers to prove that the said John Hutchine did come upon the ground of the Clachen, whereof he was tennant as to the grass till Whitesunday last, and did hound and drive away the said Walters nolt and horse off of his own grass and did beat his horse out of his servants hands and would not be forbidden or discharged peaceably from soe doing. And therefor since nothing but force could stop him from such ane injury, it was not againstt law to use fforce against fforce since *licet vim vi repellere*, and [on] which account the said Walter is also intending to raise a proces against the said John Hutchine which will come in in its own tyme. If it be alleadged that what the said John Hutchine was doeing was very warrantable—since by the said Walters tack[h]is entry is declaired to be to the grass at Beltaine and consequently he should have removed his bestiall therefrae likewise att Beltaine—it is answered that it was offered to be

proven that the said Walter was not entered to the grass of the said rounge till after the tearme of Whitesunday, and that the former tennant did possess the grass of the said rounge till after the said tearme and had a tack of the grass till the said 15th Maij, so that the said Walters right lasted likewise till the said term ; (2do) It is likewise offered to be proven that the said Walter att the tyme of his entry did signifie to Bailie Howesone that, altho by his tack he was to enter att Beltaine to the grass, the former tennant, William Penman, told him that his tack lasted till the Whitesunday and he would not remove till that tyme; and that Bailie Howeson told to the said Walter that since he could not be entered till the Whitesunday he should likewise continue till the Whitesunday, and likewise at Pas[c]h fair last in Lanark he asked att Bailie Howesone whither he would have him to goe away, because of the words of his tack, att the Beltaine or the Whitesunday, but assured him, if he went away att the Beltane, he would charge for or detain fifteen dayes grass maill that he wanted of his three years, and the Baillie again told that he was to stay to the Whitesunday, that was the laufful term, and there is no doubt but the aggreeement with the said Hutchine is that he should enter att the said Whitesunday ; (3tio) Hutchine did pretend that the said Walter ought to have removed his bestiall before the Whitesunday but only that they were eating on that pairt which he said he intended to keep as meadow. Though this alleadgeance was no wayes relevant, though it had been a reall meadow, as it was not, yett the away goeing tennant might lau[fu]llie eat it till the tearme ; and it was clear that it was not because it was after the terme of removeall that he was soe masterfully hunting and driveing off the saids Walters goods, for if it had been upon that account he would have hounded them off off the haille ground, which he did not pretend to doe ; and by the same rule he would also have turned the said Walter and his family out of the house, which he neither pretended to doe ; (4to) tho it had been after the terme of Whitesunday, even that could neether have exeused nor warranded Hutchins irregular and violent procedure ; for

pairtyes could not att their own hands excut law for themselves without the concurrence and assistance of the civill magistrat. Whereas the said Walter is cited likewise att the instance of James Hutchine, brother to the said John Hutchine, he cannot imagine upon what ground he is cited att his instance unless it be upon the account of his alleadging that the said Walter had beat or struck him about or before the tearme of Mertinmas last, which was indeed in itself most calumnious. But, however, the said James had raised a proces upon this account before the Shirreff, and hes adduced wittnesses therupon, altho he could prove nothing of that nature, and this proces being yet depending before the Shirref Court, ought not to be cognosced by the Justices of the Peace, as in the said representatione att lenth is contained. For answer to which representatione the saids James and John Hutchins opponed the forsaid complaint; and what was done by the Lord Carmichaell, he was therto authorised by his office and might direct his warrand to any persone he pleased to execute the same which is answerable to law. And as to the pretence of Walter Carmichaell having right to the grass by pactione from Baillie Howesone to Whitesunday last, notwithstanding of the clause in his tack, the said John Hutchisone answered that albeit paction had been betwixt them, yett it cannot militat against the said John Hutchisone since his entry is declaired by his tack to be att Beltaine. But upon no account Walter Carmichaell had power to own and abuse the said John Hutchine, but might have remeaded himself by applicatione to judges conforme to law in case he had been injured, as he was not. And as to that ryot committed upon the said James Hutchisone, the said James answered that although it was once intended and depending before the said Shirreff-deput, yett it was never discussed by him to a ffinall decisione, and it haveing lyen over for some tyme without calling, he now deserted the same before the said Shirreff-deput and craved that the saids Justices of the Peace would proceed therein as only judges competent thereto. Which complaint, petitione, warrand, informations, representations, and answer

being this day att lenth heard, read, seen, and considered be the saids Justices of the Peace, they refused *pro loco et tempore* to sustaine proees upon the forsaid complaint in soe ffar as concerned the ryot committed upon the said James Hutchisone in respect the same was tabled before the Shirref-deput of Lanark, and sustained the said complaint in soe ffar as concerns the riot and slander committed upon and against the said John Hutchine, and ffand the samen complaint as it is conceaved towards the said John Hutchison relevant to be proven by him, and admitted the same to his probatione, and ordained the wittnesses instantly to be adduced for proveing thereof. Whereupon the said purswer adduced dilligence against diverse famious wittnesses who were lau[ful]lie summoned by speciall authority of the saids Justices of the Peace and the executions of citations verrified att the barr, and the saids persons cited as wittnesses being called att the barr and comepeiring and being solemnly sworn and examined be the saids Justices of the Peace they deponed as ffollows, viz. : James Cunninghame, servitor to Walter Carmichaell in Symningtoun, present of the age of twenty-four years or thereby, unmarried, sworn, purged of partiall councill, examined, depons that upon the eleventh of Maij instant he, the deponent, was herding Walter Carmichaells bestiall upon a piece of ground called Meggs Meadow and that John Hutchisone in Anniston came to him and desyred him to turn off the saids goods ffrom that piece of ground because he was resolved to keep that for meadow, which the deponent refusing to doe, he offered to hound them off, and he stiell strove to keep them wpon the said ground, sayeing that a few dayes would do the bestialls and his turn there. But the said John Hutchisone stiell continueing to hound off the saids bestiall, Jean Lyndsay, servitrix to the said Walter Carmichaell, came out to assist the deponent to keep the bestiall upon the said piece of ground, which, perceaving shee was not cable to doe, said that since shee could not turn back the bestiall, shee would try if shee could turn back him, the said John Hutchison, and thereupon clouded him away with stones, and running after and

catching hold of him and they struggling, threw her done. Whereupon the said Walter Carmichaell came running up and stroak the said John Hutchisone with his kaine, and they continued afterwards struggling together. And Walter Carmichaells wife came running up to them, likeways as fast as shée could, and he, being att some little distance, could not distinctly see what was done amongst them, but that he heard John Hutchisone cry out murther, and that he saw the said Walter Carmichaell, John Hutchison and Jean Lyndsay all upon the ground together, and depons that he saw some of the stones which the said Jean Lyndsay threw att John Hutchisone light upon him, and depons that after they arose againe to their feet he heard the said Walter say to him, Goe your away home and lett alone my beasts and I will lett yow alone, and he said he would turn him off that pceice of ground yett and that they should not eat there more then in his corn rige, and he offering to turn them off, the saids Walter Carmichaell and Jean Lyndsay run to him and they went to the ground together, and the said Walter Carmichaells wife desyreing the deponent to goe up to them to red them, he refused to doe the samen, but continued a little distance whereby he could not distinctly see what was done. But that he heard the said John Hutchisone cry out, Gods mercy—Murther—and called to the deponent to come and help him. But he continued still at the nolt, and when the said Walter Carmichaell came away from him he saw the kaine broken in his hand but knows not how it was broken, and depons that he saw William Denham, servant to the said John Hutchisone, come up and red them. And being interrogatt whither or not he att any tyme heard the said Walter Carmichaell call the said John Hutchisone a theife and that he had stollen and smeired a hoge of his—depons that he thinks about the beggining of oat seed tyme, when the said Walter Carmichaell and John Hutchine were fflytteing together, he heard the said Walter say that the said John Hutchisone had stollen and smeired a hoge of his, and he heard the said John Hutchisone answer that he would gar him make that out ; and depons that after John Hutchi-

sons man did rid them, he heard Walter say, Lett alone my nolt and I will lett yow alone, and John Hutchisone said he would not lett them alone yett. *Causa scientiae patet*, and this is truth as he shall answer to God. — cannot wrytt. *Sic subscribitur*, Meinzies, I.P.J.

William Denhame, late servitor to the said John Hutchison in Easter Annistoun, now in Newbigging, present of the age of twenty years or therby, unmarried, sworn, purged of partiall counsell, examined, depons that upon the eleventh of Maij instant, he haveing been att Coulter Mains milne, was goeing home to Annistoun where he then lived, and as he was comeing by Symingtoun milne he saw Walter Carmichaell and Jean Lyndsay his serviterix runing after a man, whom he att a distance did not know, but rydeing up more quickly he saw the said Walter Carmichaell run up to him and stroak him over the head with his kaine, and whom comeing nearer he ffound to be John Hutchisone in Annistoun, and after he stroak him they went to the ground. And he rydeing quickly up found the said Walter Carmichaell with one of his knees upon the said John Hutchisone and the other upon the ground, and was beating him with his hand upon the head, and lykewayes found the said Jean Lyndsay holding doun the said Jn. Hutchisone with one of her hands and beating him with the other; and that he heard John Hutchisone crying out, Gods mercy, Murther; and calling to one James Cunighame to come and take him out from amongst their hands, and depons that when John Hutchisone arose off the ground the blood was runing off his hair doun his neck which he strove to weep off, that he might conceall the same from the said John Hutchine, his wife, which he could not get done, he haveing three wounds in his head and likewayes that one of his eyes was soe ill hurt that it was fearfull to look upon—being as reid as any blood, and that the wounds in his head appeared to have been done with stones, and that att this tyme he saw the said Walter Carmichaell, his wife, and Marreon Cunighame, his serviterix, standing by doeing nothing, and depons that he thinks, in all appearance, if he had not come up for his relieve they would have

putt the lyfe out of him for he was att the tyme lyeing gruiFFE (flat) upon the ground.

Causa scientiae patet, and this is truth as he shall answer to God. — could not wrytte, and depons that the same day he heard the said John Hutchisone complaine of several bruises of his body which he said wad be far worse then the wounds in his head; and that he never heard him complaine of any such bruises before that day, and this is lykewayes truth as he shall answer to God. *Sic subscribitur*, Alex. Meinzies, I.P.J.

John Law, myllar in Symingtoun, present, of the age of thirty tuo years or thereby, married, sworn, purged of partiall counsell, examined, depons that upon the eleventh of Maij instant as he was standing att the milne end of Symingtoune he saw att a considerable distance a woman runing after John Hutchisone, lifting up something off the ground and throweing att him, and afterwairds he saw Walter Carmichaell stepping out from his own house, and they went altogether over a know [knoll] out of his sight and he saw no more of the matter. This is truth as he shall answer to God. *Causa scientiae patet. Sic subscribitur*, John Law—Alex. Meinzies, I.P.J.

James Lyndsay, servitor to Thomas Lang, masone in Symingtoune, present, of the age of twenty years or thereby, unmarried, sworn, purged of partiall counsell, examined, depones—conforme to John Law *in omnibus. Causa scientiac*—he was standing with the said John Law in Symingtoun milne att the tyme, and this is the truth as he shall answer to God. *Sic subscribitur*, James Lyndsay. Alex. Meinzies, I.P.J.

James Howesone, portioner of Hyndfoord, present of the age of ffifty-three years or thereby, married, sworn, purged of partiall counsell, examined, depones that Walter Carmichaell, above designed, came to deponar and complained of the also above designed John Hutchisone that he had taken a sheep of his and smeired it and marked it his own mark, and therefor he would have amens of him for the samen: and he desyred him to be warie of what he said in that matter least he should be putt to make it out, and

this is truth as he should answer to God. *Sic subscribitur*, Jas. Howeson. Alex. Meinzie, I.P.J. Which depositions of the witnesses above deduced, being this day att lenth heard, read, seen and considered be the saids Justices of the Peace, they found it thereby sufficiently verrified and proven that the said Walter Carmichaell was guilty of a great riot, committed by him upon the said John Hutchine, by beating, bruiseing, blooding and abuseing of his person, and also was guilty of a slander against the said John Hutchisone in sayeing he had stollen, smeired, and taken a sheep of his. And therefor the saids Justices of the Peace decerned and ordained, and heirby decerns and ordains the said Walter Carmichaell to be committed prisoner within the tolbooth of Lanark and to be detained prisoner therein in safety for the space of eight dayes, and also decerned and ordained the said Walter Carmichaell to grant bond and sufficient suretyes for keeping of the Queens Majesties peace towairds the said John Hutchisone and his family and all other her Majesties leidges and for his good behaviour in tyme comeing under the penalty of four hundred merks Scots money *toties quoties*, and also decerned him to make payment to the said John Hutchisone of the sume of tuo hundred merks of assythment and damage, and also ffyned the said Walter Carmichaell in the sume of one hundred pounds Scots money and decerned the samen to be payed in to James Carmichaell, clerk of Court, for which he is to be comptable conforme to law, and ordained the said Walter Carmichaell to remaine in prison till ffinding of the saids surtyes and payment of the said assythment and fyne *ut supra* as the saids Justices of the Peace their decret given thereupon bears.

Lanark, Tewsday, twenty eight of June 1709.

Rolls for the district of Lanark ealled. The Justices of the Peace present are : the Lord Carmichaell, the Laird of Stonebyers, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace present elects the said Lord Carmichaell to be preses.

Annent the complaint raised, intended and pursued before her Majesties Commissioners and Justices of the Peace for the shire of Lanark, att the instance of Master Robert Lang, minister of the Gospell plained att the kirk of Craufoordjohn, against James Gray in Ballgray, chamberlaine within the said parish, to the Right Honorable Charles, Earle of Selkirk, makeing mentione that where the said James Gray in Ballgray, chamberlaine within the said parish to the Right Honorable Charles, Earle of Selkirk, by himself, his servants, complices and others in his name, of his causeing, sending, hounding out, command, resett, assistance, or ratihabitione upon the twenty first day of Maij J^mvii^e and nyne years, did wrongously, violently and masterfully come to the said manse of the said parish of Craufoordjohn pertaining to the purswer as minister of the Gospell at the said Kirk of Craufoordjohn, att least in his possessione, and then and there wrongously, violently and masterfully ejected the purswer and intruded himself in the possessione of the samen, by himself and others as aforsaid, and also masterfully and violently continued and maintained the said violent and masterfull possession by the space of [], and the premisses being verrified and proven, the said defender ought and should be decerned to repone and restore the said purswer and his servants to their possessione of the said manse in the same state and conditione the same was in in the tyme of the forsaid ejectione, and to make payment of the violent profytts since the ejectione till the purswer be repossesst with the other damages ariseing from the ejectione. And also to desist and cease from troubleing the purswer therein in any tyme thereafter otherwayes then by due order of law, conforme to the lawes and dayly practiqs of this realme. And in lyke manner to make payment to the said purswer of the charges and expenses expended and to be expended be him in prosecuteing of the said actione, as in the said complaint and executions of citation given thereupon bearand the said James Gray to have been summoned

to compear this day to the effect abovementioned att more lenth is contained. The said Mr. Robert Lang, purswer abovenamed, compeirand personally, who produced in presence of the said Justices of the Peace the Act of the Gen. Assembly declairing the said purswer to be the legally settled minister of the said parish of Craufoordjohn, dated 1st day of Appryle J^mvii^c and nyne years, att more lenth is contained. And also produced ane Act from the presbetry of Lanark in favours of the said purswer, dated the ffourth of Maij last bypast, appoynting a committe of ther number to meett att Craufoordjohn in order to settle the said purswer in the said parish and to inspect the manse of Craufoordjohn and to receave the keyes thereof from Mrs. Bryce, then possessor of the said manse, and to delyver the same to the said purswer as present minister therein as in the said Acte of the date forsaid att lenth is contained. And also produced in presence of the saids Justices of the Peace the procedure of the said committe which did meett att the said manse of Craufoordjohn, to the effect forsaid, upon the sixteen day of Maij last bypast, who enquiryed att the said Mrs. Bryce what keyes were belonging to the said manse, shee answered only tuo, the one of the hall, being the outter door, and the other of the cellar, whereupon the said committe caused read their instructions in the hearing of the said Mrs. Bryce, and also to the said James Gray, chamberlaine forsaid, being also then present, after which the Moderator desired the said Mrs. Bryce to delyver up the saids tuo keyes, shee answered that shee could not delyver them up to the said committe, seeing shee had receaved them from the said Earle of Selkirk or by his warrand. The committe did consider the said answer, and then ordered ther Moderator to take the key of the principall door, and also the key of the cellar, which was found in the saids doors, and delyvered them both to the said purswer as minister of the said parish, and thereby putt him in possessione of the said manse. Thereupon the said James Gray protested and took instruments in the clerks hands of the said committee that the keyes of the said manse should have been delivered up to him as the said

Earle of Selkirks chamberlaine and not to the said Mr. Lang, purswer, and complained that the key of the outter door was seized upon befor the said James Gray knew the committees designe, notwithstanding that the committee caused read ther instructions coram, whereupon the Moderator of the said committee asked his commissi-
sione. The said James Gray answered he acted therein as a servant to the said Earle of Selkirk. The said committee found in the generall that both manse and office houses was in a bad conditione and that both needed a speedy reparatione as in ane Act of the said committee of the date forsaid att more lenth is contained, and in lyke manner produced in presence of the saids Justices of the Peace ane Act of the said presbetry of Lanark ther approbation of the hail procedure made by the said Committee therein as the samen, dated the first day of June J^mvii^c and nyne years, att more lenth is contained; and the said James Gray compeared personally, who craved a double of the complaint and a competent tyme to make answers thereto and also for alloweing prors. to plead for him. The saids Justices of the Peace considered that the poynt in hand was altogether matter of fact and most ingeniously declar-
able from the mouths of both pairtyes themselves, and the matter being recent of itself they found that there was no necessity of prors. in the said case, and that the defender *ex tempore* might make his declaratione of what was done by him in the said matter abovementioned, and ordained the said James Gray, defender, instantly to make the samen. Whereupon the said James Gray judicially acknowledged that by the Earle of Selkirk, his master, his order, conforme to a missive letter direct to him be Mr. David Craufoord, Secretary to her Grace the Dutches of Hamilton, whom he said had warrand from the said Earle of Selkirk to impower him to the effect abovementioned, and after that the purswer was plained by the presbetry of Lanark in manner mentioned in ther Act, and after that the said purswer had gotten possessione of the said manse by deliverance to him the keys thereof by the Moderator, the said James Gray did goe to the said manse of Craufoord-

john and entered therein and did putt new lockes thereone and lockfasted the saids doors and as yett detained the keyes from the said purswer by sending them to the said Mr. David Craufoord att Hamilton, conforme to a letter direct to him therannent be the said Mr. David Craufoord, and made the said judicial acknowledgement with and under the protestations made formerly by him at the said manse of Craufoordjohn, and refused to signe the said judicall acknowledgement by him made, and upon the samen tooke instruments in the hands of James Carmichaell, nottar publick, clerk of Court.

Which complaint and hail productions abovewrytten, produced for the pairt of the said purswer together with the judicial acknowledgment of the said defender and protestations taken by him being this day att lenth heard, read, seen and considered be the saids Justices of the Peace, they ffound the complaint, as it was conceaved, relevant to be proven by the purswer, and addmitted the same to his probatione, and ordained the pursuers wittnesses instantly to be adduced and examined in ffortificatione of the abovewrytten judicall acknowledgement made by the said defender in manner above mentioned. Whereupon the said purswer adduced dilligence against diverse ffaimous wittnesses who were laullie summoned by speciall authority of the saids Justices, and the executions produced being verrified att the bar by the executor thereof and the persons cited as wittnesses being called att the bar and compearing, and being solemnly sworn and examined be the saids Justices of the Peace, they deponed as ffollows, viz.: John Andersone, in neithertoune of Craufordjohn, present, of the age of twenty fyve years or thereby, married, sworn, purged of partiall counsell, examined, deponed that upon Fryday was eight dayes, being the seventeen day of June instant, he was present in company with Mr. Lang and Mr. Gray, the defender, and heard Mr. Lang requirying the keyes of the manse of Craufoorjohn from the defender, who replied that he would not give them up till fflorder orders, and acknowledged that he had put on[e] the locks and keyes upon the doors, *causa scientiae patet*—and this

was truth as he should answer to God. *Sic subscribitur*, John Andersone.

John Millar, servitor to William Russell, milner in Craufoordjohn milne, present, of the age of thirty years or thereby, married, sworn, purged of partial councill, examined, depons *conformis precedenti in omnibus*—and this is truth as he should answer to God. *Sic subscribitur*, John Millar. James Andersone, tennant in Bogehouse, present, of the age of ffourty years or thereby, married, sworn, purged of partiall councill, examined, deponed *conformis precedenti in omnibus*, and this was truth as he should answer to God. *Sic subscribitur*, James Andersone.

Which complaint abovewrytten, with the pursuers wrytts abovededuced, and the defenders judicially acknowledgement and instruments taken by him and testimonies of the wittnesses above adduced by the said purswer being this day att lenth heard, read, seen and considered be the saids Justices of the Peace, they ffound the complaint sufficiently verified and proven, and that the defender had committed a ryteous ejectione against the purswer: And therefor decerned and ordained, and heirby decerns and ordains the defender to restore and repossess the purswer to the peaceable possessione of the said manse and to delyver up the keyes thereof to him against Frydayes night next to come, with certificatione if the defender ffailzied therein the saids Justices of the Peace authorized and heirby authorizes the constables to make oppen doores and delyver the keyes to the said purswer or else to committ him prisoner within the tolbooth of Lanark or other convenient prisons ay and while performance of the sentence; and found the defender to be punishable ffor the said ryot, and refered the determination thereof and of the purswer damage and expences to the next Quarter Sessions, to be held att this place upon the first Tewsday of August nixt.

Lanark, Tewsday, 2nd August 1709, being a
Generall Meeting and Quarter Sessions.

Rolls called. The Justices of the Peace present are:

the Lord Carmichaell, the Laird of Stonebyres, the Laird of Coulterallars, W^m Inglis, eldest magistrate of Lanark.

The Justices of the Peace present elects the said Lord Carmichaell as preces.

Letter of excuse from Sir W^m Steuart of Castlemilk, seen, read and admitted; letter of excuse for the provest of Glasgow, Blythswood, Shawfield and Succoth, seen, read and admitted; letter of excuse for Raploch and Rosehall, seen, read and admitted; letter of excuse from Captain Lockhart of Kirkcaldy—seen, read and admitted; letter of excuse from Sir W^m Meinzie of Glaidstanes, presented be the Laird of Coulterallars—seen, read and admitted.

Sir David Steuart of Cultnes absent and no letter of excuse from him.

The said day James Carmichael, clerk of the Peace for the said shire, presented to the Bench a letter received by him from William Somervell of Corehouse, Sheriff-depute of Lanark, and directed by order of the Lords of her Majesties Most Honorable Privy Councill of Great Brittain to the said Shireff-depute; whereof the tenor follows:—

Councill Chamber, Whitehall, the 29th of June 1709.

SIR,—I am commanded by the Lords of her Majesties Most Honorable Privy Councill to send the enclosed letter to yow, with directions that yow take care of its safe and speedy delivery, and soe to return ane account therof to the clerk of the Councill in wayteing.—I am, Sir, Your humble servant, *sic subscribitur*, JOHN POVEY.

And the letter, mentioned in the abovewrytten, directed be the saids Lords of the Privy Councill to the saids Justices of the Peace and under her Majesties seall, being made oppen by order of the Bench, and read—the Bench ordained the samen to be recorded in the Register of ther Acts and proceedings, whereof the tenor follows, after our hearty commendations:—

Whereas her Majestic of her generous and seasonable bounty hath hitherto subsisted severall thousand Germans of the Protestant religione, who being oppressed and ruined by the great exactions of the French on the ffrontieers and otherwayes distressed upon the account of their religione,

have fled for refuge into this kingdome and hath also, out of a deep sense of their distressed conditione, ordered a generall collectione of the charitable benevolence of all her loving subjects within the whole kingdom of Great Britain for their present relief and settlement, to the end therefore that they may be the sooner putt in a way of exercising their industry for the support of themselves and ffamilies here and may become usefull to the kingdome by their labour in their respective capacities, wee have thought fitt, and by her Majesties speciall command do hereby earnestly recomend it to yow at your nixt Quarter Sessions and other meettings of the Justices of the Peace within your shire, to consider the best wayes and methods for disposing of any number of the said distressed Protestants within the said shire in such manner as that they may be enabled by their labour and industry the better to contribute for the support of themselves and their ffamilies and by your own examples to invite and eneourage your neighbours, especially the cheif magistrats of the corporations within your shire, to afford them all countenance and assistance as there shall be occassione. And of your proceedings hercin, from tyme to tyme, to returne ane account to this board. And soe not doubting of your more than ordinary caire and zeall in soc charitable a work and soe very acceptable to her Majestie, wee bid you heartily ffareweell. From the Councill Chamber att St James's the 29th day of June 1709. Your loving ffriends. *Sic subscribitur*, SOMERS, P.C., COWPERE, DORCHESTER, RADNOR, DERBY, J. HOLT, J.S., JA. VERNON.

Directed on the back thus: To our loving friends her Majesties Justices of the Peace for the shire of Lanark.

The saids Justices of the Peace ordained the clerk to keep and preserue the principall letters themselves, and resolved and ordained ane returne, with all convenient dilligence, to be made.

The said day the said James Carmichaell exhibited a memoriall concerning the duties of excyse and penalties thereof, whilk was delyvered to the said clerk by Master Archbald Hamilton of Dallserfe, advocate, one of the

Shireff-deputs of Lanark, and whilk was delyvered to the said Shirreff-deput att the circuit court holden att Glasgow in Maij last by the Lords of her Majesties Justiciary for the Western District, and whilk the saids Lords appoynted the said Shirreff-deput to delyver to the saids Justices of the Peace as a memoriall to them in the said matter of excyse ; and whilk being read to the Bench, the said Bench appoynted the same to be recorded in the register of ther acts and proceedings, and whereof the tenor follows :—

Memoriall to the Justices of the Peace within the shire of Lanark in relatione to the inbringing of her Majesties excyse :—

It is humbly recomended by her Majesties Justice Clerk to the saids Justices that they will meet and act in all matters concerning her Majesties revenue of excyse as is directed and required by the laws relating thereto. And particularly in regaird to their frequent meetings as is directed by 15th Carli. 2d, pag. 77, in the laws of excyse, viz. that they shall meet once in every month in their respective divisions or oftener, if there shall be occassione, to hear, determine and adjudge all matters and offences. And that in all mitigations of fynes and forefaultures they have a regaird to the Act duodecimo Carli 2^d, Parl. 21 and 46ⁿ, in the said laws of excyse, where, after granting the power of mitigations, it follows : Soe as by such mitigatione the same be not made less than double the value of the duety of excyse, which should or ought to have been payed, besyde the reasonable cost and charges of such officer or officers as were employed therein. Also that upon any complaint or informatione exhibited and brought by any officer of excyse for any forefaulture made, or offence committed, contrary to the laws of excyse, they proceed as directed [by] pa. 19 and 44ⁿ of said lawes. That the Justices of the Peace order ther constables to goe along with the officers of excyse when ther assistance is demanded by them, and that this order be given generally to all the constables, that they may not, at every particular demand, wait for a wrytten order conforme to the Act 174ⁿ. That the Justices give strict charge that none that are ncither surveyed or com-

pounded, adventure to brew for sale without giving notice to the nixt excyse office.

The said day the referrence made by the Justices of the Peace for the district of Lanark to this Quarter Sessions, in the actione purswed be Mr. Robert Lang, minister of the Gospell att Craufoordjohn, againstt James Gray in Ballgray, Chamberlaine for the parish of Craufoordjohn, to the Right Honorable Charles, Earle of Selkirk; wherein the saids Justices of the Peace for the district of Lanark, be ther decreet upon the twenty eight day of June last bypast, they found and declaired that the said defender had committed a rioteous ejectione againstt the purswer, and therefor decerned and ordained, and heirby decerns and ordains the defender to restore and repossess the purswer to the peaceable possessione of the said manse, and to delyver up the keyes thereof to him againstt Frydayes night the nixt to come, with certificatione if the defender faillzied therein, the saids Justices of the Peace authorizied and heirby authorizies the constables to mak oppen doors and delyver the keyes to the said purswer or else to committ him prisoner within the tolbooth of Lanark, or other convenient prisons, ay and while performance of the sentance. And found the defender to be punishable for the said ryot, and referred the determinatione thereof, and of the purswers damnadge and expences, to this Quarter Sessions. And the said referrance being this day brought in before the Bench, and the said James Gray being of new againe summoned by John Andersone, constable in the parish of Craufoordjohn, as the executions thereof bears, to have appeared this day and place, to have heard and seen the Benches determinatione anent the referrance, and he, being offteen tymes called wpon by ane constable att the bar and not compeirand, and the said Mr. Robert Lang, purswer, being personally present, the saids Justices of the Peace assembled in this present Quarter Sessions, be ther decreet, fyned and amerciati, and heirby fynes and amerciats the said James Gray in the sume of one hundred merks Scots money, and decerns and ordains the said James Gray to make payment to the said purswer of the sume of fifty merks money for-

said thereof in satisfacione of his damnadges and of his expences in prosecutione of the forsaid actione and also decerns and ordains the said James Gray to pay to the said James Carmichaell, clerk of the Peace, forsaid, the other fifty merks thereof. And he, the said clerk, to be countable therfor to her Majesties Exchequer and the Bench, as accords of the law. And ordains all manner of executione to pass heiron in forme, as effeirs, and ordained and heirby ordains the said James Gray, defender, to give in bonds and suretyes to the Bench for keeping the Queens Majesties peace towards the said purswer and all others, her Majesties lieges, and for his good behaveour in tyme comeing, and that under the paine and penalty of four hundred merks, Scots money.

The said day John Porterfield, servitor to her Grace, Anne, Dutches of Hamilton, etc., compeired and judicially produced in presence of the Bench ane commissione granted be the said Dutches of Hamilton as heretable baillie of her Majesties palace of Holyrod House, nominating and appoynting the said John Porterfield to be underkeeper of the said palace of Holyrodhouse, dated the sixth day of June last bypast, and the said commissione being read in presence of the Bench, and thereupon the said John Porterfield desyred that the Bench would administer to him the oath appoynted to be taken by him to her Majestie by Act of Parliament forsaid; and which was accordingly done by the said preces, and he, the said John Porterfield, did swear and subscryve the said oath.

Compeired John Wastoune, wrytter in Carnuath, and as nottar publick, did swear and subscryve the said oath, the samen being administrat to him be the preces.

Overture brought in annent the visitatione and repairing of highwayes and bridges, etc., the saids Justices of the Peace, haveing seen and considered the samen, they have enacted and heirby enacts that the Justices of the Peace, within ilk district, cause take notice of and repair the highwayes and bridges within ther districts with all convenient dilligence, and to report ther dilligence heirin againstt the nixt Quarter Sessions.

Overture brought in annent forestallers, regraters and ingrossers and keepers up of victuall to a dearth, etc., contrair to the lawes of this realme; and the Bench haveing considered the same, they have ordained and heirby ordaines that the Justices of the Peace in every district furthwith, and with all possible dilligence, putt the laws and Acts of Parliament in executione againstt such person or persons as shall be found guilty of the saids crymes within ther respective bounds, etc.

Lanark, Tewsday, tucnty ffifth of October 1709,
being a Generall Meetting and Quarter Sessions.

Sederunt—Mr. Alexander Meinzies of Coulterallars, advocat, Captain Walter Lockhart of Kirktoune, William Inglis, eldest magistrat of Lanark.

The saids Justices of the Peace elects the said Mr. Alexander Mcinzies preces. Compeired John Aird, present provest of the burgh of Glasgow, wha sufficiently certified his electione to be provest of Glasgow, to the Bench, and to whom the said preces (in absence of the persons to whom the dedimus is directed) did administer the oaths after-specifeit, viz. the oath of alleadgeance, the oath of abjuratione, and the oath *de fidei administratione*, and he did swear and subscryve the same *in communi forma*, and thereupon the Bench ordained the clerk of the Peace (in absence of the saids persons to whom the forsaid dedimus is directed) to make return thereof under his seall and subscription to the most honorable Court of Exchequer of Great Brittain.

My Lord Carmichaell, excused, being for present att Edinburgh, *reipublicae causa*. Mr. William Carmichaell, advocat, excused by reason of his present indispositione, which was affirmed by the said William Inglis, apothecary. Sir William Meinzies, excused wpon a letter informeing the Bench that he is nominat a Justice of the Peace for Midlothian and attends the Sessions of that shire, to be addmitted this day. The Laird of Stonebyers excused because of his necessar absence about his affairs att Edin-

burgh. Letters of excuse from Castlemilk, Shawfield, Blythswood, Raploch—seen, read, and addmitted. Sir David Steuart of Cultnes, the Laird of Rosehall, younger, and the Laird of Succoth—all absent, and no letters of excuse from them. Sir Archbald Flemming of Farme, absent, and no excuse from him.

Compeired John Syme, wrytter in Glasgow, who produced ane commissione from Sir Archbald Flemming of Farme and William Somervell of Kennocks, his deput, for being Commissar-deput of Glasgow in ther absence—dated the fourth day of August last bypast, and who was qualified by the saids Justices of the Peace, according to law.

Compeired William Smith of Brousterland, who produced ane commission from ane high and mighty princess, Anne, Dutches of Hamilton, for being her Graces baillie of the Regality of the Isle and Earledome of Arran, dated the second day of September J^mvii^c and nyne years, and who was qualified by the saids Justices of the Peace according to law. Compeired James Laurie, wrytter in Lanark, who qualified himself as nottar publick and pror. before the Inferior Courts, etc. The saids Justices of the Peace haveing receaved certaine informatione that the breaking and prophaneing of the Sabbath day by persons of vitious lifes and dispositions was very frequent within the said shire, and was very likely more and more to abound, without remead were provyded—therefor the saids Justices of the Peace made ane Act thereupon, whereof the tenor follows :—

Act and Ordinance of the Justices of the Peace for the shire of Lanark, made in pursweance of the laws for the due observacione of the Sabbath day; and for punisheing of the breakers and prophaners thereof.

Lanark, Tewsday, 25th October 1709, being a Generall Meeting and Quarter Sessions of the saids Justices of the Peace.

Forasmuchas the saids Justices of the Peace are certainly informed that the laws and Acts of Parliament, made for

the due observacione of the Sabbath day, are frequently transgressed within the said shire by persons of vitious lyfes and dispositions, casting off all fear of God and regaird to man, by breaking the Sabbath day and prophaneing thereof in using of handy labour, passinge to taverns and alehouses, selling of meat and drink, willfull remaineing from the parish kirks in tyme of sermon or prayers upon the Sabbath day, and by unlauffull and unnecessary travelling, carrying of packs, loads, burdens, cloakbages and driveing of cattle to fairs and markets, and otherwayes committing gross prophanations of the Sabbath day, and other vices and immoralities in severall parishes and places within the shire of Lanark, to the great reproach of piety and Godlieness, contrair to the laws of God and man; and that the saids prophanations, vices and immoralities hath very much abounded and will more and more abound in the place, without remead be provyded. Therefor the saids Justices of the Peace, in pursweance of ther duety, recomends to all Shirreffs and ther deputs, baillies of regalities and ther deputs, magistrats of burghs and other judges ordinar, within whose bounds the forsaid crymes and tresspasses may happen to be committed within the said shire, to putt in execucione ane proclamatione emitted by the Queens most gracious Majesty, intituled: A proclamatione for the encouragement of piety and virtue and for the preventing and punisheing vice, prophanes and immorality, and particularly to putt to punetwall execucione the laws and Acts of Parliament for observacione of the Sabbath day—as Act Ja. 6th, par. 6th, cap. 70; Item, Act Ja. 6th, par. 13, cap. 163; Item, Ja. 6th, par. 14, cap. 201; Item, Act said Cha. 2^d, par. 1st, intituled: Act for the due observacione of the Sabbath day, ratifieing and approveing all former Acts of Parliament, made for observacione of the Sabbath day and againstt the breakers thereof; and this last Act ratified Cha. 2^d, par. 2^d, sess. 3^d, cap. 22. Item, the Act dated the one and thirtieth day of January one thousand seven hundred and one: Act againstt prophanes and all other laws and Acts of Parliament, made for the due observacione of the Sabbath day. And sicklyke the saids

Justices of the Peace requyres and commands all and every constable or constables, also weell to burghs as to landwart, for the bounds of ther charge and commandment, not only to delate those guilty of the forsaid trespasses—prophanes, vice and immoralities—and prooffs and evidences thereof—but also to take and apprehend all and every person or persons of whatsomever degree, without respect of persons, guilty of the forsaid cryme of Sabbath breaking in any of the cases abovementioncd, and all other prophanations thereof; or guilty of other vices, prophanes or immoralities, contrair to the laws and Acts of Parliament abovementioned, and to carry them before the nixt Justices of the Peace, ane or mae, that they may proceed againstt the saids offenders, for the saids tresspasses according to law as the saids constables shall be answerable wpon ther perrill. And ordains thir presents to be printed and published att the mercat croces of the severall burghs of royalty, regality, and publick market touns within the shire of Lanark, and to be intimat att the severall parish kirks within the said shire, by the reader from his scat, immediatly after divine service in the forenoon and before the congregation be dismissed wpon Sabbath, the twenty of November nixt to come, that none may pretend ignorance thereof.

The Rolls of the constables for the said shire of Lanark who served since the last Quarter Sessions, held wpon the third day of Maij last bypast, to this present Quarter Sessions, being all judicially called wpon att the bar to give account to the Bench of ther dueties and dilligences had be them in the said office and what breaches of the peace or other trespasses and misbehaviours hath happened within the bounds of ther respective charges and commandments, since ther addmissione to the said office; and the saids constables (except as to the district of Hamilton and a few others)—att least some out of every parish haveing punctwally attended wpon this present Quarter Sessions and given satisfaction to the Bench of ther faithfullnes and dilligences in ther saids offices, therefor the Bench liberats such therefra for the tyme, and named others to succed

to them for the ensweing six moneths, and ordained the old constables to summond the new to attend att the several district offices wpon the dyets afterspecifeid, for ther addmissione, ilk person under the penalty of fifty merks Scots money, and sicklyke ordained such of the saids constables as are contumex and hes not given dutifull attendance wpon this present Quarter Session, or hes not had excusses made and accepted for them, to continue and performe the duetyes of constabulary incumbent wpon them for the said ensweing six moneths as a pairt of ther punishment for the said contumacy, and ordained them to be listed in the new Rolls for the saids six moneths and to doe ther ductyes wpon ther perrill; and, the saids lists being enrolled, ordains the same to be recorded in this register, and ordains ther nixt meetting for the admission of constables to be att the district offices wpon the dyets afterspecifeid, viz.: att Biggar wpon the twenty eight of October instant; att Lanark wpon Tewsdays, the first of November nixt; att Hamilton wpon Fryday, the fourth thereof, and att Glasgow wpon Weddnesday, the nynth of the samen moneth; and where constables are named in parishes where constables were not formerly, ordains such to be summoned by warrand of any one Justice of the Peace or clerk of the district, by ane indefferent person, under the penalty forsaide, and recomends to the Justices of the Peace in the district of Glasgow to make nomination of constables and cause the same to accept and be addmitted for the parishes of Old Munkland and New Munkland, Rutherglen and Carcart, where constables have not been formerly, and to add constables in such other parishes where there is not allready sufficient number, and to make ther report againstt the nixt Quarter Sessions att fardest. The saids Justices of the Peace ordained the clerk of the Peace to pay to John McQueen, his servant, ten shillings sterling, and farder recomended him to the nixt Sessions, and also to pay to John Carmichaell, constable, three shillings money forsaide, and to W^m Watsons, constable in Lesmahagow, other three shillings for service done by them to the Bench, and the same to be allowed to the said clerk in his accompts.

List of the Constables appointed in this present Quarter Sessions, holden upon this twenty fyfth of October 1709 to serve in the office of constabulary within the respective districts and parishes of the said shyre of Lanark, for the ensuing six moneths, viz. to the first Tuesday of May J^mvii^c and ten years, which are as foloues, to witt :

Biggar parish : Wiliam Crichtoun in Biggar, James Rob in Candy. Coulter parish : James Thomson in Woolfelyd, Gilbert Watson in Coulter. Lamingtoun parish : John Short in Lamingtoun, James Dickson in Hartsyde burn-foot. Symingtoun parish : Wiliam Penman in Symingtoun. Libertoun parish : Thomas Aitken in Greinsheils, James Smith in Overtoun of Quodquan. Dunsyre parish : Wiliam Girdwood in Westoun, Wiliam Telpher in Easter toun of Dunsyre. Walstoun parish : David Wallace in Walstoun. Dolphingtoun parish : Wiliam Paterson in Dolphingtoun. Carlouck parish : James Walker in Carlouck, Alan Paterson in Westoun of Kincaidzou, Robert Prentice in Gair. Lanark parish : John Carmichael in Lanark, John Whyteford in Cairtland. Carstairs parish : Wiliam McCall in Carstairs, Alexander Houison in Mosplat. Carnwath parish : Wiliam Paterson, baxter in Carnwath, James Haisty in Kerswell, Wiliam Gilkerson in Yard-houses. Craufoord parish : Wiliam Gibson in toun of Craufoord. Craufoordjohn parish : Mungo Alexander in Nether Abbingtoun, James Willson in Glenbleth. Rober-toun parish : Alexander Thomson in Bodinglee, Thomas Gray in Hardingtoun. Wistoun parish : Matheu Wilsone, merchant in Wistoun, Alexander Hutcheson in Neutoun of Wistoun. Covingtoun parish : John Tod in Nether Warenhil, John Purdy in Thankertoun. Petinaie parish : Wiliam Bell in Clouburn. Carmichael parish : Wiliam Miller in Prets milne. Douglas parish : John Steel, merchant in Douglas, James Hunter in Hardrige, George Leuars in Craighburn. Lesmahagou parish : James Steel in Netherhouse, Wiliam Leuars in Tour of Folkertoun, Thomas Stuart in Underbank. Hamilton parish : John Hamilton in Alanshau, Robert Hinshau in Neils Land,

James Kenuch in Blackbog, John Pollock in Alanshau. Bothwel parish : James Hamilton in Bothwell, Ritchard Riddel in Neuarthill, James Laury in Bellsiehil. Cambuslang parish : John Dinning in Letterick, Robert Kelso in Neutoun. Blantyre parish : Andrew Strang in Aikentibber, John Thomson in Barnhill. Stainhouse parish : Andreu Hamilton in Stainhouse, Thomas Culen in Tueedy, John Shearer in Kittimuir. Evandale parish : John Struthers in Carnduff, Gideon Jack of Craigmilne, John Meikle in Craigbridge end. Cambusnethan parish : John Douns in Greenhead, James Rusel in Cultness. Dalzeil parish : James Lightbody in Meadouhead. Kilbryde parish : John Fleeming in Lochairne, James Reid in Kittochsye, James Pedy in Craigkeith, Robert Lindsay in Neulands. Dalserf parish : John Couper in Milneheugh. Shoots parish : Robert Ross in Hartswood Hill. Glasfoord parish : Andreu Barry in West Quarter, John McCronon in Ridge. Barony parish of Glasgow : John Rob in Wester Toun of Shetelstoun, James Hamilton in Kennihill, John Aitken in Ridery of Provan, George Alan in the White milnes, John Hendry in Wood milne. Calder parish : Archbald Stirling in Cryston. Govan parish : John Hill in Govan, William Cuming, maltman, in Gorbels. Carmonock parish : James Warronock in Carmonock, Robert Warronock in Busbie.

[The clerk has left spaces for the names of those to be appointed constables in the parishes of Old Monkland, New Monkland, Rutherglen, and Cathcart.]

Lanark, seventh March 1710, being a Generall Meeting and Quarter Sessions of the Justices of the Peace of the said shyre of Lanark.

Rolls called. Sederunt—William Weir of Stonebyers, Captain Walter Lockhart of Kirkcoun, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace present elects the said William Weir of Stonebyers preses. The Rolls being again

called after electing of the said preses, leter of excuse from Castlemilk, seen, read and admitted.

My Lord Carmichael, Glaidstaines, Coulteralers, Shau-field, Blythwood, and the provost of Glasgow : reasons of excuse for their absence was made for ilk ane of them and admitted.

The absents are Coltness, Raploch, Rosehal, Farm, and Succoth, whom and every one of them the saids Justices of the Peace fynes and amerciats for their absence in the sume of [blank] Scots money of amerciament, conforme to the Act of Parliament, with this proviso that in caice the saids absence shal give their atendance upon the nixt court hereafter appointed, their said atendance and every [one] of them for their own pairts *ipso facto* shal remove the for-said amerciament and be a ful exonoration therof ; and the saids Justices of the Peace continues their saids Quarter Sessions courts to the Tuesday, the fourteen day of March instant, and ordains the clerk by leters to advertise the hail Justices therof.

Rols of the Constables within the several parishes of the said shyre being caled to give their atendance upon the said Quarter Sessions and to give informations to the saids Justices by some or one of them out of every parish, conforme to the Act of Parliament, there was absent from the said Quarter Sessions al and every [one] of the constables within the parishes of Robertoun, Lesmahagou, Laming-toun, Symingtoun, Dunsyre, Hamilton, Bothwel, Cambuslang, Blantyre, Stainhouse, Evandale, Cambusnethan, Dalziel, Kilbryde, Dalserf, Shoots, Glasfoord, Barrony parish of Glasgou, Calder, Govan. The saids Justices of the Peace fynes and amerciats al and every the constables within the forsaid parishes, serving as such for these current six moneths conforme to the List before mentionat, in the sume of [blank] Scots money of amerciament, for their absence from this present Quarter Sessions.

Mr. James Ogilvie, supervisor of excyse, produces a commission to him from the Commissioners of the Excysie nominating him to be supervisor of liquors in the particular districts aloted to him, with a leter from the Board

to him. Wiliam Gibson, constable in Craufoord, excused for his absence, in respect of a leter of excuse, shewing his present indisposition.

Lanark, fourteen March 1710, being a continued court of the said Quarter Sessions.

Rols caled. . Sederunt—My Lord Carmichael, Mr. Alexander Meinzie of Coulteralers, advocat, Captain Walter Lockhart of Kirkcoun, Wiliam Weir of Stonebyers, Wiliam Inglis, eldest magistrat of Lanark.

The said Justices of the Peace elects my Lord Carmichael preses.

Rols of the saids Justices being of neu again caled, Sir Wiliam Steuart excused upon his former leter.

Leters of excuse from the Provost of Glasgou, Blythswood and Raploch, al seen and admitted.

Sir Wiliam Meinzie of Glaidstains excused upon reasons given by Coulteralers; Shaufield excused upon reasons given in to the Board.

The Lairds of Rosehal, Farme, Cultnes and Succoh al absent, and no excuse made for them.

† Rols of the saids Justices of the Peace being of neu again caled, Sir Wiliam Steuart excused upon his former leter. Leters of excuse from the Provost of Glasgou, Blythswood and Raploch, al seen and admitted. Sir Wiliam Mcinzie of Glaidstains excused upon reasons given by Coulteralers; Shaufield excused upon reasons given unto the Board. The Lairds of Rosehal, Farme, Cultnes and Succoh al absent, and no excuse made for them.

Overture being brought in annent the forstalers of victuall and such as contraveened ane act and intimation made by the saids Justices of the Peace in their Quarter Sesions and court therof, holden by them upon the twenty fourth day of May J^mvii^c and nyne years, and after a due consideration had by them upon the said overtures, the said Justices of the Peace made ane act thereupon, wherof the tenor folowes :—

† Repetition in transcription.

Act and Ordinance of her Majestys Commissioners and Justices of the Peace for the shyre of Lanark, made againstt forstalers of victual.

The saids Commissioners and Justices of the Peace considering that albeit they, by their act and intimation of the date of Lanark, the twenty fourth day of May J^mvii^c and nyne years, in persuance of the laues and Acts of Parliament made against forstalers of victual, did intimat and require al havers of wheat, bear, pease and oats, within their bounds, to thresh out the same against the twenty day of June then nixt to come, and that none retained more then for their own use, either in barns, barn yeards, girnals or magazins, and that they observed the forsaid Acts of Parliament, under the pain of escheat of the victual and other pains therin contained, and that they furthwith made the same furthcomeing for sale in mercats or at their respective girnals, magazins or barns, to al that should ofer to buy the same, and that weekly upon the several weekly mercat dayes, kepted at the respective burghs of royalty, regalitys and baronys within the said shyre of Lanark, where publict fairs and weekly mercats are authorized to be kepted by lau, and that in the ordinary tyme of publict mercat observed in the saids respective places, being ordinarily from ten in the forenoone to tuo in the afternoone, beginning from the sixth day of June then nixt to come, as also that they set out the meal, pease and bear, and give out the same in such smal and reasonable quantitys, not exceeding a bol, to any one persone in the week, as might best suply the necessitys of the country; and that none presumed to buy more of these grains at a tyme (declairing alwayes that no bear, sold to breuars for malting, was comprehended in the said Act): And also the saids Justices required that none ofered to forstal or regreat victual, contrary to the saids Acts of Parliament, or retained more then for the use of his family and servants: DECLAIRING therby that in caice any meal maker or persone should buy up corns of whatsomever grains on the rods, befor it came to the publict mercat att the respective burghs of royalty,

regalities and baronies, within the said shyre as aforesaid, whilk the saids Justices of the Peace understands to be places of publick mercats within the same, they should be punished as forstalers; and certyfieing such as should contraveen the forsaid acts, and not observe the forsaid intimation—that they should be proceeded againstt as transgressors of the saids laus with al rigour; and that either before the Lords of Justiciary, Justices of the Peace, or other judges competent; and ordained the constables in their several districts to go through and informe the Justices of the transgressors of the forsaid act and intimation, and to cite them before the Justices, that they may be punished accordingly, or remitted to the Lords of Justiciary, as in the said act and intimatione att lenth is containt. Yet, notwithstanding therof the saids Justices of the Peace finds that the forsaid act and intimatione hath not been observed, and many persones have contraveened the same, and that the constables hes not given due obedience to the charge therby committed to them, and that the excessive pryces of victuall are nothing abated and seems to increase more and more, and in a great pairt through the forstaling of victuall and keeping of the samen up to a dearth, contrair to the laues and Acts of Parliament made theranent: Therefore the saids Justices of the Peace hes recomended and herby recommends to all and every Justice and Justices of the Peace within the said shyre, also weell these who are absent from this court and Quarter Sessions as such as are present thereat to putt the laues and Acts of Parliament (made against forstalers, regraters and ingrossers of victuall in markets and such others as holds and keeps up victuall to a dearth besides what is necessar for suport of themselves and their family till neu corn) to due and punctuall executions and to punish the contraveeners of the saids laues with the pains therof according to justice and sick-lyke. The saids Justices of the Peace ordains and straitly comands and requires all and every constable or constables within the respective parishes of the said shyre of Lanark also weell to burgh as land wart to take due tryall and informatione and make up exact and true Lists of all and

every persone or persones within their particular charges and commandments who have contraveened the forsaid laues and Acts of Parliament, and act and informatione enacted be the saids Justices of the Peace upon the said tucnty fourth day of May last bypast, with particular Condescendences of what and wherein they have transgressed the same and what evidences can be given for proving therof, and to conveyen the saids contraveeners and evidences before some one or mae Justices of the Peace, that recognizance may be made of the mater, and the parties bound over for their apearance att a generall meeting and Quarter Session Court to be held att this place be the saids Justices upon Tuesday, the fourth day of Apryle nixt to come, to underly the lau for the saids ofences, as acords, or to summond, wairne and charge the said contraveeners and offenders, and the proofs and evidences to be aduced against them, to compear before the saids Justices in their said generall meeting and Quarter Session Court to be held by them att this place upon the said fourth day of Apryle nixt, to underly the lau therfore, ilk persone under the pain of twenty pundis Scots money. And because of the grosse abuses committed by meall men, couppers and cariers of victuall, through lodging of great quantities thereof into their hands the saids Justices of the Peace hes authorized and herby authorizes and strickly commands and requires all and every constable and constables within the said shyre, wherever they shall find a couper of victuall to have on his hands or careing above a load or tuo bols of victuall, att one and the same tyme, that the saids constables furthwith immediatly aprehend and cease on the said victuall and detain the samen with himself to be made furthcomeing by every such constable or constables att the direction and pleasure of the saids Justices and to carry the said couper or couppers before some one or mae Justices of the Peace, that he or they may be proceeded againstt for the said offence, as lau will; and ordains the said constable or constables punctually and diligently to discharge their duty annent the premisses and to atend on the said court and Quarter Sessions, to be held att this place upon the said

fourth day of Appryle nixt, as they are apointed, to attend on Quarter Sessions by lau ; and ordains these presents to be extracted and published att the severall mercat croces of the respective burghs of royalty, regality and hail mercat touns and parish kirks within the said shyre, and to be read be ilk precentor from his readers seat immediatly after divine service in the fore noone before dismissing of the congregation, that none may pretend ignorance therof.

Act and advertishment to breuars upon Informations and Complents entred againstt them by the collectors, supervisors and officers of Excyse.

Whereas severall informations and complents hes been made and pursued before the saids Justices of the Peace in Distriet Court and Quarter Sessions by the collectors, supervisors and other oficers of excyse against the breuars, victualers and retailers of ale and bear and other excyseable liquors within the said shyre, for many ofences contrary to and inconsistent with the severall laucs of excyse, through their not punctuall payment of their debts and arears of excyse, and clandestinely breuing, concealing and conveying away out of the veu of the oficer the severall quantities of the saids liquors in defraud of the said duty of excyse, and that many of the saids breuars, victuallers and retailers of the saids liquors have been severall tymes convcened and convicted of the saids offences, and as yett cannot be restrained from being guilty therof without the severity of the lau be execute againstt them. Therefore the saids Justices of the Peace have certified and herby certifies all and every breuar or breuars, victualers and retailers of the said excyseable liquors within the said shyre, that if any such informationes and complents shall be entred and pursued by the saids colectors and other ofiears of excyse against the saids breuars, victualers and retailers, that the saids Justices of the Peace will summarly proceed againstt them, and with the severity of the lau, as the saids Justices shall see cause, without hearing them plead upon that defence of their ignorance of the lau, or

any such lyke excuses. And ordains these presents to be extracted and published at the severall mercat croces of the respective burghs of royalty, regality and baronies and mercat touns and haill parish kirks within the said shyre and to be read by ilk precentor from his readers seat immediatly after divine service in the fore noone before dismissing of the congregatione, that none may pretend ignorance therof.

Lanark, fourth Appryle 1710.

Sederunt—Captain Walter Lockhart of Kirkcounie, William Inglis, eldest magistrat of Lanark.

The saids Justices of the Peace present makes ane act againstt forstalers and regrators of victual, etc., and for mending and repareing of highwayes and bridges, wherof the tenor folowes :—

Act and Intimatione against forstalers of victuall and for mending and repareing of highwayes and bridges.

The Justices of the Peace for the shyre of Lanark considering the excessive pryces to which victuall of al sorts hath been in the land for sometyne bygone, and that it is incumbent on them, by vertue of their office, to provyde as much as in them lyes for the relieff of the poor and to prevent the dearth and scarcity so much felt, and apprehended to be increassing, as also that by severall laues and Acts of Parliament it is provyded that none hold victuall to a dearth, and that none hold more than will sustain themselves and their meinzie till neu corn, and that none hold victuall in ginnalls, save for their own use. And also that corns are to be threshen out and that all victuall for sale ought to be presented in mercat, and further, that all forstaling of mercats and regrating is most expresly prohibit, especially by the Act of Parliament Ja. 6, par. 12, cap. 148, and conforme to the which laues and Acts of Parliament the saids Justices of the Peace did upon the twenty fourth day of May J^mvii^c and nyne years emitt and direct furth their act and intimation against forstalers

relative to the premises, and the Justices of the Peace considering that the said excessive pryces of victuall are nothing abated, and that the poor people are brought to great wants and straits: Therefore the saids Justices of the Peace relevcs and reneus their forsaid act and intimatione, and of neu again they have thought fitt to intimat and require al havers of wheat, bear, oats and pease within their bounds to thresh out the same aganstt the last Tuesday of May nixt to come, and that none retain more then for their own use, either in barn or barn yeard, girnals or magazins, and that they observe the forsaid Acts of Parliament under the pain of escheat of the victuall and other pains therein containt, and that they furthwith make the samen furthcomeing for sale in markets or att their respective girnals, magazins or barns to all that shall offer to buy the same in manner aftermentioned, and that weekly in tyme comming upon the severall weekly mercat dayes kept att the respective burghs of royalty and regalities and baronys within the said shyre of Lanark, where publict fairs and weekly mercats are authorized to be kept by lau, and that in the ordinary tyme of publict merkats, being ordinarily from ten in the forenoone to tuo in the afternone, beginning from the first day of May nixt to come, as also that they sell out the meall, pease and bear and give out the samen in such small and reasonable quantities, not exceeding tuo bols to any one persone in the week, as may best suply the necessity of the country, and that none presume to buy more of these grains att a tyme, declaring alwayes that no bear, sold to breuars for malting, is comprehended in this act, and also the saids Justices of the Peace require that none offer to forstall or regrate victuall contrary to the saids Acts of Parliament, or retain more then for the use of his family and servants; declairing herby, that in caice any meal maker or other persone shall buy up corns of whatsoever grain on the road, before it come to the publict mercat, att their respective burghs of royalty, regalities and barronies within the said shyre, as aforesaid (whilk the saids Justices of the Peace understand to be places of publict mercat within the same),

they shall be punished as forstalers; and certifieing such as shall contraveen the forsaid act and not observe this most necessar intimatione that they shall be proceeded against as transgressors of the said laues with all rigour—and that either before the Lords of Justiciary, Justices of the Peace, or other judges competent; and ordains all and every constable or constables, for the bounds of his or their charges and commandments, within the overwaird of the said shyre of Lanark, betuixt and Tuesday, the eleventh instant, and all and every constable and constables for the bounds of his or their charges and commandments within the bounds of the neither waird of the said shyre betuixt and Tuesday, the eighteenth instant, do make up in wryte under their hands particular lists of all inhabitants, mealmakers or couppers and other traders in mercating and buying and seling of victuall within the bounds of the said shyre, and for his or their particular charges and commandments therof, betuixt and the dayes respective forsaid to give in the samen lists under their hands as said is to the clerk of the Peace for the said shyre att this place, as the saids constables and every [one] of them will be ansuerable upon their perrill. Item, the saids Justices of the Peace for the said shyre, att the ordinary seasons of the year prescryved by lau, do cause, amend and repair the high wayes and bridges within the bounds of the respective districts of the said shyre, and for that efect to cause make up particular lists of the saids highwayes and bridges that effectuall means may be taken for performance of the premisses, and ordains all and every constable and constables for the bounds of his or their respective charges and commandments from tyme to tyme in tyme coming, and every six moneths, and within fourteen dayes of his or their overgiving of their office or offices of constabulary, to visit the said highwayes and bridges within the bounds of his or their charges and commandments and to make up particular accompts of what and wherein they are damnified and defective, that the samen highwayes may be mended and repaired. And also ordains where laboured lands ly upon the sydes of the saids high wayes that the saids

laboured lands shall be fenced with dyke, ditch or hedge or headriggs made thereupon, yet so as neither dyke nor ditch nor hedge or headrigg nor any pairt therof be within the breadth of the said high wayes apointed by the Act of Parliament Cha. 2, sess. 1, cap. 26. And ordains the said Act of Parliament to be putt to due executione in relatione to the premisses. And ordains these presents to be printed and published at the mercat croces of the severall burghs and mercat touns within the said shyre and at every parish kirk therof that none may pretend ignorance heiroyf.

Att Lanark, the first day of May J^mvii^c and ten years, in presence of William Inglis, eldest magistrat of the burgh of Lanark and one of her Majesties Justices of the Peace for the shirreffdoome therof, conforme to ane Act of the Parliament of Great Britan and of the reigne of Queen Ann, the eighth year, intituled : One Act for laying certain duetys upon candles, touards raising of her Majesties suply for the year J^mviii^c and ten—compeared personaly in presence of the said Justice of the Peace, this day and place, Hugh Calderwood, excyse officar att Lanark, and Mungo Aitken, excyse officar att Douglas, and then and there, in presence of the said Justice of the Peace, did suear and subscribe the oath underwryten for the due and faithfull execution of their offices and charges respective, concerning the excyse for, and upon, candles—by the said Act—to them as excyse oficars respective committed—We, Hugh Calderwood and Mungo Aitken, excyse oficars, ilk ane of us for our selves, do suear to execute the office and charge of excyse oficars concerning the excyse for, and upon, candles, be the forsaid Act, to us comitted durence our continuance in the said office, truly and faithfully, without favour or affection, and shall, from tyme to tyme, true account make and delyver to such person or persons as her Majestie shall apoint to receive the same, and shall take no fee or reward for execution of the said office from any other person than from her Majestie or those whom her Majestie shall apoint in that behalf.

So help me God.

Lanark, Tuesday, second May 1710, being a Quarter Sessions.

Sederunt—William Weir of Stonebyers, Captain Walter Loekhart of Kirkcoun, Mr. Alexander Meinzie of Culteralers, advocat, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace elects the said William Weir of Stonebyers preees.

My Lord Carmichael, excused upon reasons given to the Justices.

Letter of excuse from Castelmilk, seen and admitted. Letter of excuse from Blythswood, seen and admitted. Letter of excuse from Shaufield, seen and admitted. Letter of excuse from the Provost of Glasgow, seen and admitted.

Raploch excused upon informations to the Justices of the reasons of his absence.

The Justices of the Peace excuses Sir William Meinzie of Glaidstains and Sir David Stuart of Cultnes because of their absence at Edinburgh.

Letter from John McGilechrist, clerk for the district of Glasgow, shewing that there has been no fines imposed by the Justices there since his last account. Letter from John Hamilton of Fairholme, clerk to the district of Hamilton, shewing that there has been no fines imposed by the Justices there since his last account. The saids Justices of the Peace having enquired at the constables to give account of what offences, riots, misdemeanors or misbehaviours have been committed within the bounds of their respective charges and commandments since the last Quarter Sessions, and the saids constables—at least one out of every parish, for themselves and in name of the other constables of the said parishes, being personally present and judicially declaring in presence of the saids Justices of the Peace that they knew of no such offences—the saids Justices of the Peace did proceed to make nomination and lists of such persons who should succeed in the said office of constabulary within the several parishes of the said shire for the ensuing six months, and

ordained the neu-named, being cited by the constables last serveing, to atend at the severall distriet offices, to be qualified and admitted there.

List of the Constables serving from this second of May unto the last of Octoiber, the said year :—

Biggar paroch : James Wilsone in Eastertoftculmes. Laurance Boe in Biggar. Coulter : James Thomson in Wolfelyd, Gilbert Watsone in Coulter. Lamingtoun : James Ramsay in Whytehill, David Broun in Birnock. Symingtoun : George Fisher in toun of Symington. Libertoun : Alexander Broun in Libertoun, John Thrip-land in Overquodquan. Dunsyre : John Graham in Anstoun, John Penman in Westoun. Walstoun : John Wilsone in Walstoun, William Fisher in Elsrigle. Dolphingtoun : Robert Whyte in Dolphingtoun.

District of Lanark and parishes therein :—

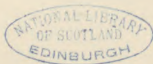
Carlouek : James Walker in Carlouk, James Cunningham in Hill of Kincadzeu, John Weir, taylor in Brownlie, Robert Prentice in Gair. Lanark : John Carmiehaell in Lanark, Thomas Seouler in Tintockland. Carstairs : James Walker in Carstairs, Robert Black in Mosplat. Carnwath : John Craig in Carnwath, John Aitkine in Neubiging, John Tennent of Crofthill. Crawfoord : William Brown in Hardeleugh of Craufoord, John Welsh in Pedan, Andreu Gibson in toun of Crawfoord. Crawfordjohn : Robert Tueedy in Nethertoun, William Hendersone in Glendouran. Robertoun : William Cullan in Damhead, John Alstonn in Middeneoatt. Wistoun : Thomas Porteous in Milnrigg, William Watsone in Sornfalla. Covingtoun : William Johnstoun in Holl, John Alstoun in Thankertoun. Petinaine : George Kenedy in Dykeheads, John Steell in Pettinaine. Carmiehaell : John Tueedall in Sandiland Dyke, James Lamb in Nethertoun. Douglas : John Thomson, cordiner in Douglas, James Inglis in Tofts, George Anderson in Hardrigg. Lesmahagou : Andrew Barr in Rotenrau, William Broun in Drafen, W^m Miller in Netherhall, W^m Steel in Skeller hill.

District of Hamilton and paroches therein :—

John Hamilton in Allanshaw, John Haddou in Quarter, John Pumphray in Rickartoun. Bothwell : James Hamilton in Bothwell, Ritchard Riddell in Cleikimin, James Laury in Belsiehill. Cambuslang : John Dinning in Leteriek, Robert Kelso in Neutonn, Robert Bouman in Cambuslang. Blantyre : James Polock in Blantyre, John Thomson in Barnhill. Stainhouse : Andreu Hamilton in Stainhouse. Evandale : John Meikle in Graigbridgend, James Muir in Strathaven, W^m Leiper, Y^r, Mungo Torrens, Y^r. Cambusnethan : Alexander Burn in Touard bush, Thomas Marshall in Blindweels, James Russell in Cultnes. Dalziell : James Lightbody in Meadouhead. Kilbryde : John Reid, Younger, in Kitoehsyde, W^m Semple in Blackburn Milne, Thomas Allan in Backwardred, Alex^r Wilson in Causiehead. Dalserf : John Couper in Milnheugh. Shoots : Robert Ross in Hartwoodhill, John Storie in []. Glasfoord : Andreu Barrey in Westquarter, James Lindsay in Glasfoord, John M'eronon in Ridge.

District of Glasgou and paroches therein :—

Barrony paroch : James Reid in Shetelstoun, John Reid in Carline, John M'calaster in Provan Miln, John Craig in Postle, Humphra Risk in Woodsyde. Calder : ——— M'ellaket in Calder, James Lyle in Haltoun of Calder, John Marshall in Bogtoun, James Kirkland in Greatloch, Archibald Stirling in []. Govan : W^m Cuming in Gorbells, John Hill, elder, in Meikle Govan, John Hill, Y^r, there, John Kerr in Partiek, James Hamilton in Gorbells. Curmonoek : James Whyte in Cathkinmiln, W^m Thomson in Hillhead of Drips. Old Munkland : James Mason in Old Munkland, Robert Paterson, Y^r. New Monkland : Gavin Bell in New Munkland. Rutherglen : Thomas Culen att Farm Miln, James Craufoord in Ruglan, W^m Aitken, Y^r. Cartheart : Alexander Hamiltone in Aitkenhead.



Lanark, 1st August 1710, being a Generall Meeting and Quarter Sessions.

Sederunt—William Vere of Stonebyres, Mr. Alexander Meinzie of Coulterallers, advocat, Sir James Hamilton of Rosehall, William Inglis, eldest magistrat of Lanark.

The saids Justices of the Peace present elects the said William Weir of Stonebyres preces.

Letters of excuse from Castlemilk and Capt. Lockhart, seen and admitted.

The Lord Carmichaell, the Laird of Glaidstains and the Laird of Raploch, all necessarily absent and therefore excused.

Blythswood, Shaufield, Succoch, Farm and the eldest magistrat of Glasgou and Cultnes, all absent and no excuse made for them.

The saids Justices of the Peace haveing made inquiry att the constables for information of cryms committed within their charges and commandments, respective, the saids constables reports that they have no informations.

Lanark, last October 1710, being a Quarter Sessions.

Sederunt—Sir William Meinzie of Glaidstains, Captain Gavine Hamilton of Raploch, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace elects Sir William Meinzie preces.

The said Justices of the Peace made inquiry att the constables for information of crymes, trespasses and ofences which hath happened since their admisions within the bounds of their respective charges and comandments, who returned that they had no information to make thereanent. Wherupon the saids Justices of the Peace proceided to make nomination of neu constables to serve for the insuing six months, and ordained the old constables to sumond the nue named constables to attend att the severall district ofices to accept in and upon them the office of constabulary durezza the said space.

List of persons named to be Constables, to serve from the last day of October 1710 to the first Tuesday of May 1711 years.

Biggar district :—

Biggar paroch : Laurance Boe in Biggar, John Bertram in Lindsaylands. Coulter : James Thomson in Wolfelyde, Gilbert Watson in Coulter. Lamingtoun : Edward Watson in Lamington, Thomas Jardine in Wandeldyke. Symingtoun : William Caldvals in Symington. Libertoun : Henry Douglas in Arthursheild, John Kemp in Cormistoun. Dunsyre : John Ritchie in Westhils of Dunsyre, William Thomson in Mains of Dunsyre. Walstoun : John Wilson in Walstoun, William Wicketshaw in Elsrigle. Dolphingtoun : John Watson in Dolphingtoun.

District of Lanark and paroches therein :—

Carlouk : James Walker in Carlouk, Thomas Gilkerson in park of Mauldsly, John Weir, taylzeour in Brounly, Robert Paterson in Belstain. Lanark : John Carmichaell in Lanark, John Tuedall in Cartland. Carstairs : James Walker in Carstairs, Rob Black in Hill of Mosplat. Carnwath : James Craig in Carnwath, elder, William Sibald in Neubigging, Thomas Elder in Crofthill. Craufoord paroch, Robert Wood in Campshead, John Welsh in Peddan, Matheu Reid in Craufoord. Crawfordjohn : Robert Tueedy in Nethertoun, George Anderson in Nethertoun, John Wilson in Glenbluith. Robertoun : Alexander Broun in Sunysyde, Robert Forrest in Hardingtoun. Wistoun : Robert Curry in Mayens of Wistoun, Jas. Broun in Littelgate. Covingtoun : Alexander Dickson in Overwestonhill, James Chambers in Thankertoun. Petinaine : James Fisher, portioner of Weston, William Kay in Grange. Carmichaell : James Muir in Hillhead of Ponfeich, John Muir in Crocerig, calcd Auchengracy. Douglas : George Anderson in Neutounfoot, John Couper in Hiselsyde, Adam Dougall in Udingtoun. Lesmahaigou : Andreu Barr in Rotenrau, James Tutop in Stobirns, W^m Miller in Netherhall, John Weir of Lethom, Robert Jack in Nether Crocefoord.

District of Hamilton and paroches therein :—

Hamilton : John Hamilton in Allanshau, John Haddou in Quarter, John Pumphray in Rickartoun. Bothwell : James Hamilton in Bothwell, Ritchard Liddell in Clerkinin, James Laury in Belsiehill. Cambuslang : John Dinning in Letterick, Matheu Kerr in Riddles of Cambuslang, Rob Bouman in Cambuslang. Blantyre : James Polock in Blantyre, John Thomson in Barnhill. Stonhouse : Andreu Hamilton in Stonhouse. Evandale : John Meikle in Craig-bridgend, John Muir in Strathaven, W^m Leiper, Yr., Mungo Torrens, Yr. Cambusnethan : Alex^r Burns in Touard Bush, Thomas Marshall in Blindwell, James Russell in Cultnes. Dalziel : Thomas Smylie in Motherwell. Kilbryde : Thomas Riddell in Milntoun, John Maxwell in Machlinhall, John Watson in Whytehills. Dalserf : John Couper in Milnheugh. Shoots : Robert Ross in Hartwoodhill, John Storie in []. Glasfoord : Andreu Barrey in Westquarter, James Lindsay in Glasfoord, John Mcronon in Ridge.

District of Glasgou and paroches therein :—

Barrony paroch : James Restoun in Badhill, Michael Stuart in Kenniehill, Andrew Meinzies in Balernock, John McCorkell in Kippoch, John Liddell, milner, in Proven Miln. Calder : William Harvy in Lanurik, John Stirling in Easter Calder, W^m Dreive in Auchenloch, James Tennant in Garnqueen. Govan : James Broun in Gorbells, David Polock in Meikle Govan, Thomas King in Govan, John Muir in Partrik, James Hamilton in Gorbells. Carmonock : William Thomson in Nethertoun, W^m Ritchie in Busbie. Old Munkland : James Witherspoon in Netherburgend, James Witherspoon in Backyard. Neu Munkland : Gavine Bell in Neu Munkland. Rutherglen : Thomas Culine att Farmiln, James Craufoord in Rugland, William Aitkne, Yr. Caithcart : Alexander Hamiltone in Aitkenhead.

Lanark, sixth March 1711, being a Quarter Sessions.

Sederunt—Captain Walter Lockhart of Kirkcoun, John Aird, Provoist of Glasgou, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace assembled elects the said Captain Walter Lockhart of Kirkcaldy to be preces.

Letter of excuse from Castlemilk, seen and admitted.

The Provoist of Glasgow gives in an excuse for Blythswood and Shaufield, which is admitted.

The Lairds of Raploch, Stonbyers, Cultnes, Glaidstains and Culteralers absent, and no excuse offered for them.

Rose hall absent, who is a Parliament member.

Rolls of the constables called, and inquiry made att them for information of crimes, trespasses and offences which hath hapened within the bounds of their respective charges and commandments since the last Sessions, who declared they knew of none.

James Carmichael, clerk to the saids Justices of the Peace, presented to them duplicats of the Act of Parliament relative to house moneys and imposing a new duty upon houses having twenty windows and more, to be levied throughout Great Britain, comencing from the twenty ninth day of September last by past, and to be payed upon the twenty fifth day of March and twenty ninth dayes of September into her Majesties Exchequer by even and equal portions yearly, and wherein the saids Justices of the Peace are appointed commissioners to putt the saids Acts annent house moneys to execution in manner therein mentioned. Lykeas the said clerk presented to the saids Justices of the Peace a sealed letter, sent with the saids duplicats of Acts annent house, from Archbald Douglas of Cavers, to them directed, and which letter, by order of the saids Justices of the Peace, was unsealed and openly read in face of court. Wherin the said Archbald Douglas shoues that he is appointed generall receiver of the said house money for Scotland and his commission duly entered in Exchequer att Edr., as also the Provoist of Glasgow gave in a letter from Robert McClelland of Barklay, with a double of his commission, appointing him to be surveyor of the said houses and house money so assessable. The saids Justices of the Peace, upon the saids letters and by vertue of the powers by the foresaid Acts annent house money to them

granted, accepted upon them to be commissioners to the putting in execution of the forsaid Acts, and turned themselves into divisions for that effect, and continued their courts and offices att their respective district offices, viz. att Biggar, Lanark, Hamilton and Glasgow, and apointed their said attendance to be punctuall at the saids respective district offices, to the executione of the saids Acts, conform to a former act made by the saids Justices of the Peace upon the twenty eight day of October J^mvii^c and seven, and recorded in the books of their proceedings: And ordains their first meeting to be att Lanark upon the therteen day of March instant; att Biggar the tuelth day therof; att Hamilton the fourteenth day therof; and att Hamilton [*sic*; Glasgow] the said fourteen day therof, and then and there respective, to ishue furth precepts to cause able men appear before them to be assessors of the said house mony, and to give them instructions thereanent, with precepts to make inspection of and assess all and every house and houses falling under the description of the said Act of Parliament and returning certificats thereof; and the saids assessors to keep by them doubles of their said assessments, to the intents mentioned in the said Act of Parliament, and the saids Justices of the Peace doing every other thing becoming in their said office annent the premises, conforme to the said Act of Parliament annent house monys; and ordains the saids Justices of the Peace for the saids districts, also weel to burgh as landwart, betuixt and Thursday, the twenty nynth day of March instant, to cause make up, fairly wryten and subseryved, ane exact duplicat of the saids assessments; and the saids Justices of the Peace continues their Quarter Sessions to the said day and apoints a full meeting of the saids Justices of the Peace to be then att this place, that ane exact double of the haill assessments for the said shyre may be then made up conforme to lau and returned into her Majesties Court of Exchequer, or att least to the said Ar^d Douglas of Cavers, as generall receaver of the said house mony. The saids Justices of the Peace hes apointed and herby apoints and ordains all and every constable and constables to be assistant to every such

collector or collectors that shall be appointed for leveing of the said house mony within the bounds of their respective collections for leveing of the said house mony, as they will be ansuerable upon their perill. The saids Justices of the Peace ordains Cavers Douglas his letter, and Mr. Mclelland his letter, to be recorded in the books of their proceedings, and also ordains the clerk to make a return to Cavers Douglas of the saids Justices their diligence.

Foloues the tenor of Cavers Douglas his letter :—

MY LORDS AND GENTLEMEN,—Ye are apointed Commissioners for puting in execution the Act of the eight of her Majesties reign annent the nue duties upon houses. Her Majesties solicitors have transmitted the Acts of Parliament relative therto, by which ye may see that the tearms of payment for the first moyetie is upon the 25 March next. Ye may please therefore apoint your first meeting to be att farthest once in this instant month of Febrewary, that ye may then nominat and apoint assessors for the severall districts and parishes of your shyre, and direct them to return, in due tyme, their assessments of the duetys payable within their respective districts, together with the names of the persons lyable in payment therof. The Right Honourable the Lords Commissioners of her Majesties Treasury, by speciall warrand from her Majestie, have constitute me receavers [*sic*] general of all these duetys in Scotland, and my commission is duely entered in Exchequer books here. I beg therefore ye may please order that there be sent as soon as conveniently ye can, and att furthest before the twenty fyfth March nixt, true duplicats of the assessments within your shyre, duely attested by three of your number, and that ye may in due tyme ishue out your warrants ordering the payment of these duetys to the collectors whom ye nominat for that effect. I beg leave on this occasion to ofer it as my humble opinion that it will be most advysable to appointt the collectors of the land tax to receive lykeways these duetys, because they can, with greatest ease, transmitt the same thither together with the

cess.—I am, My Lords and Gentlemen, Your most obedient and most humble servt. *Sic subscribitur*,

A. DOUGLAS.

Dated att Edr. 8 Febrewary 1711.

Directed to the Right Honourable The Justices of Ye Peace for ye Shyre of Lanark.

Foloues Mr. Mclelland's letter :—

MUCH HONOURED,—The knoun and frequent proofs you have upon all occasions given of your zeall for and readines to serve her Majesties intrest, particularly with respect to the advancement and manadgment of the reveneu, would make it appear presumption—att least unnecessary for me—to give you the trouble of the present, were it not in what I am to represent there is something speciall.

The Act of Parliament imposing a neu duty upon houses having twenty windows and more having comenced its efect from the twenty nynth of September last, and the first tearms payment of the said duty being upon the twenty fifth instant, the Lords Commissioners of her Majesties Treasury have by their commission (whereof I sent you ane exact double here inclosed) been pleased to appoint me her Majesties officer for surveying and inspecting the severall dueties and sums of money by the said, imposed upon houses as aforsaid, and by their speciall warrand have directed the bounds of my survey to be the toun of Glasgow, with these parts of the shyre of Lanark adjacent thereto, that part of Stirling shyre bewest Boniebridge and Caron Water, the whole of Dumbartonshyre and these parts of Perthshyre on the south side of the water of Teith, or for any other bounds in which I am or shall be apointed as a colector of excyse in Scotland, and it being by the said Act of Parliament and by ane Act past in the seventh year of his Majestie King W^m, intituled, Ane Act for granting severall rates and dueties upon houses for making good the deficiency of clipt mony as therein narrated and ratified, statute and ordained that the Justices of Peace as Commissioners for executing the

same shall divyde themselves into several districts and apoint assessors within the respective bounds of the saids severall districts for assessing the saids houses having twenty windoues or more in the tearms of the said Acts, I therefor give your Honours the trouble of this, to informe you that the bounds of my survey is within your shyre and that I, being concerned in severall other places, cannot gett your meeting personally attended myself as otherways I would have done, therefore I intreat that youll be pleased to apoint assessors for that part of your shyre within my colection as above distinct and apart from the other parts of the shyre, with orders to them to keep copies of the said assessments within the saids bounds and to advyse me where I may have oportunity to call for and inspect the saids assessments, that al difficulties in the manadgement may be prevented as far as possible and that the country may be eased of trouble as far as in the pour of, Much honoured, Your most humble and obedient servant, *sic subscribitur*,

ROBERT M^cCLELAN.

Dated Glasgou, March 5, 1711, and directed thus :—

To The Right Hon^{ble} The Justices of the Peace for the shyre of Lanark in their Quarter Sessions.

Overture and complent being made to the saids Justices that in the public mercat of Hamilton they make use of weights for selling of meall of larger weight then the publict standart of the kingdom aloued by lau, the saids Justices ordains the clerk to wryte to the magistrats of Hamilton heranent that they attend the next dyet of this current Sessions to give in true accompts of the said matter and what may be verity therof.

The Provist of Glasgou gave in ane act of the Justices of the Peace for the shyre of Stirling, relative to ther reparation of Calder bridge, and recomending to one of their number to meet with the Justices of the shyre of Lanark for visiting of the said bridge and what may be the charges of reparation therof. The saids Justices ordains the Prevoist of Glasgou and other Justices of that district or

any tuo of them to meet with the said Commisioner from Stirling shyre and to visit the said bridge and cause consider the charges of reparation thereof, and that att such convenient tyme as they shall think fitt betuixt and the nixt Sessions, and ordains the clerk to extraet ane act heiron in more ample forme.

William Hamilton of Hill, Commissar of Lanark, and Gavine Hamiltone, elder, of Hill, Commissar Department, compeared and did suear and subseryve the oath apointed by lau.

Overtur anent the reparation of highways and bridges brought in. The Justices of the Peace ordains overseers to be named conform to law, and the constables also to make up Lists of such as may be fitt overseers for that effect, tuo or more in every paroch; and to bring in the saids Lists against the dyet foresaid of this current Sessions, and the constables to take advice of the Heritors of the paroch who may be fittest overseers.

Overtures anent forestalling and regrateing of mereats being brought in, the Justices of the Peace ordains ane intimation to be made that they will putt the laws thereanent in execution, and that informers shall have the gratification allowed to them by law.

Lanark, 29 March 1711.

Sederunt—Sir William Meinzies of Glaidstains, Mr. Alexander Meinzies of Coulteralers, advocat, Captain Walter Lockhart of Kirktoune, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace elects the said Sir W^m Meinzies of Glaidstains to be preces.

Raploch exeused, being upon his journey to London as is informed by John Hamilton of Fairholme.

The Rolls of the haill other Justices of the Peace caled and all absent.

The said Mr. Alexander Meinzies of Coulteralers gives in a return of the assessment of house moneys for the district of Biggar—Covington paroch excepted.

The said John Hamilton of Fairholme gives in a return

of the assessment of house monys for the district of Hamiltone.

The severall assessors for the paroches within the district of Lanark gives in their own assessments.

Ther is no return of assessments made for the district of Glasgou.

The saids Justices ordains the full assessment for the whole shyre to be made against next the Quarter Sessions.

The said John Hamilton of Fairholme returns a letter from the baillies of Hamilton in ansuer to the letter sent to them by the clerk conform to the saids Justices their order, dated sixth instant, concerning the weights mad use of in the mercat of Hamilton for sale of meall, in which letter the saids baillies earnestly intreats the Justices of the Peace to apoint some of thir number to meet with them and make inspection and take tryall of the saids weights whither or not the same be ansuerable to the standart aloued by lau. Which letter being seen and considered by the saids Justices of the Peace, they have appointed and conforme to the saids baillies of Hamilton their desyre, herby appoints Sir W^m Stuart of Castlemilk, Sir Archbald Fleeming of Farme, Major Gavine Hamilton of Raploch, Captain Walter Lockhart of Kirkcoun, Coline Campbell of Blythswood, Daniell Campbell of Shaufield, or any tuo or one of them, to meet with the saids baillies of Hamiltone att Hamilton att any tyme betuixt and the nixt Quarter Sessions, and to make inspection and tryall of the saids weights, and to report to the saids nixt Sessions what they shall find therein; and ordains the clerk to extract ane act heirupon in ample forme and transmitt the same to the said John Hamilton of Fairholme, their clerk for the district of Hamilton, to be intimated by him to the Justices of the Peace abovenamed, and to the saids baillies of Hamiltone, in order to their prosecution of the premises.

The saids Justices of the Peace nominats and apoints James Richmond, wryter in Lanark, to be pror. fiscall of Court, who accepted the samen office and gave his oath *de fidei administratione in communi forma*.

Lanark, first May J^mvii^e and eleven years, being a
Generall Meeting and Quarter Sessions of the
Justices of the Peace for the shyre of Lanark.

Sederunt—Sir William Meinzie of Gleadstains, Captain
Walter Lockhart of Kirkcoun, William Inglis, eldest magis-
trat of the burgh of Lanark.

The saids Justices of the Peace present elects the said
Sir William Meinzie of Gleadstains preses.

The Earle of Hyndfoord absent and excused, being absent
republicae causa.

Mr. Alexander Meinzie of Coulterallers, advocat, absent,
and excused, being necessarily att Edinburgh.

Sir James Hamilton of Rosehall absent, and excused upon
his letter of excuse.

Sir William Steuart of Castlemilk absent, and excused
upon his letter of excuse.

Major Gavine Hamilton of Raploch absent, and excused,
being for the tyme in England.

Sir David Steuart of Cultnes absent.

Coline Campbell of Blythswood absent.

Daniell Cambell of Shaufield absent.

The Laird of Succoch absent.

The eldest magistrat of the burgh of Glasgou absent.

The saids Justices of the Peace present considdering hou
feu their number conveened is, and that there is no return
of the assessment of house money made by the Justices of
the Peace for the district of Glasgou, therefore the Justices
of the Peace, conveened, continues the makeing of their
return of the assessments for the districts given in, and
apoints a full meeting to be att this place upon the twenty
two day of May instant, and the clerk to advertish the hail
Justices thereof and to certifie such as beis absent, that they
will be returned as such and hinderers of her Majesties
service.

The said day Captain Walter Lockhart of Kirkcoun
reports that Sir William Steuart of Castlemilk and himself
mett with the baillies of Hamilton therat upon Fryday last,
and compared the weights compleaned upon with a

standart, and they agreed therewith, and which standart is nou compared by the Justices with the standart of Lanark, and both agrees togither exactly.

No report made by the Justices of Glasgou district annent Calder bridge.

Overseers for repareing of highwayes named within the paroches of Cambusnethan and Carlouk, viz. James Smelie in Overtoun of Cambusnethan and David Laury in Coltnes miln, to be overseers for the paroch of Cambusnethan, and recomends to John Sinclair, younger of Stevenson, and [] Steuart of Allantoun to give their asistance to the saids overseers ; and also William Forest of Maschock miln and William Forest of Langshau named to be overseers for the said paroch of Carlouk, and impouers the saids overseers to cause perform the premises conform to lau, and ordains the clerk to give furth warrands, in ample forme, for that efect, and the saids overseers to report their dilligence againstt the nixt Sessions.

The Rolls of the constables serveing for the last six months being called, and inquiry made att them for informations or dilations of crymes, trespasses, ofences, and breaches of the peace which have hapened within the bounds of their respective charges and commandments dureing the said [six months] ; they returned they had none, etc. Wherupon the saids Justices made nomination of such as should serve for the ensuing six moneths, which are as follows :—

List of Constables for the shyre of Lanark serveing that office from the first of May J^mvii^c and eleven years to the last Tuesday of October the said year.

District of Biggar and paroches therein :—

Biggar paroch : John McMorran in Westrau, James Liddell in Biggar. Coulter : James Thomson in Wolfclyde, Gilbert Watson in Coulter. Lamingtoun : Alexander Bertram in Wester Otterburns, Allexander Jeardine in Milnhill. Symingtoun : W^m Caldwalds in Symingtoun. Covingtoun : John Fisher in Covingtoun, John Fisher in Thankertoun. Libertoun : William Somervell in Liber-

toun, John Thomson in Nether Quodquan. Dunsyre : John Grahame, betuixt the hills, James Telfer in Eastoun. Walstoun : John Wilson in Walstoun, Mungo Lindsay in Elsrigle. Dolphingtoun : William Craig in Dolphingtoun.

District of Lanark :—

Carlouck : Alexander Naesmith in Carloucke, Gavine Watson in Burnetholme, Robert Paterson in Belstain. Lanark : John Carmichael in Lanark, John Tueeddall in Cartland. Carstairs : William Somervell in Carstairs, Thomas Houison in Nethertoun of Mosplat. Carnwath : James Linn in Moshat, James Wicketshau in Carnwath, Thomas Watson in Newbigging. Craufoord : Alexander Gibson in Peddan, James Wood in Craufoord. Craufordjohn : George Anderson in Nethertoun, William Patoun in Glendouren. Robertoun : James Carmichael in Kilnpotles, Alexander Braidwood in Robertoun. Wistoun : John Bannatyne in toun of Wistoun, John Muir, elder, in Greenhill. Petinaine : William Prett in Dykeheads, Alexander Rollo in Westraw. Carmichaell : William Stevenson in Overtoun of Carmichaell, John Forrest in Sandiland. Douglas : James Hutcheson in Douglas, William McWat in Broomersyde, John Brounlie in Tofts, Adam Dougall in Udingtoun. Lesmahaigou : Andreu Barr in Rotenrau, Thomas Steuart in Youdertoun, Robert Haddou in Blackbanyett, Robert Jack in Nethercrauford.

District of Hamilton :—

Hamilton paroch : John Hamilton in Allanshau, John Haddou in Quarter, John Pumphray in Rickartoun. Bothwell : James Hamilton in Bothwell, Ritchard Riddell in Cleikhimin, James Laury in Belsihill. Cambuslang : John Dinning in Letterick, John Trumble in park of Cambuslang, Robert Bouman in Cambuslang. Blantyre : John Pollock, maltman in Blantyre, John Thomson in Barnhill. Stonhouse : Andreu Hamilton in Stonhouse. Evandale : John Meikle in Craigbridgend, James Muir in Strathaven, William Leiper there, Mungo Torrens there. Cambusnethan : Alexander Burns in Towardbus, Gavine Glover in Cultnes. Dalziell : William Barrey in Hetheryhirst. Kilbryde : Hugh Machline in Crrosshall, Alexander Paterson in Boss-

feild, John Watson in Whyte hills. Dalserf : John Couper in Milnheugh. Shots : Robert Ross in Hartwoodhill, John Storie in []. Glassfoord : Andreu Barrey in Westquarter, James Lindsay in Glasfoord, John Mcronon in Ridge.

District of Glasgow :—

Barrony paroch : Walter Restoun in Shetlestoun, James Daunie in Carntine, John Carss in Riddene, John Thomson in Garough. Calder : William Harvie in Bamullie [Balmuildy], John Stirling in Easter Calder, William Drieve in Auchinloch, James Tennent in Garnqueen, Archbald Stirling in []. Govan : John Scot, maltman in Govan, James Norie in Meikle Govan, Thomas Ralph in Partiek, Robert Couper, weaver in Gorbell, Archbald Murdoch, carter, there, James Hamilton, y^r. Carmonock : Matheu Thomson in Drips, James Shau in Castletoun Miln. Old Munkland : James Rodger in Loanhead, Alexander Lindsay in Rowentreehill, John Pender in Rindmuir. Neu Munkland : John Wilson, portioner in Blairlinn. Rutherglen : Andreu Scot, taylor in Rugland, Thomas Cullen att Farm Miln, William Aitkin in Rugland. Carteheart [Catheart] : Thomas Park in Aitkenhead.

Lanark, twenty second May J^mvii^e and eleven.

Sederunt—Mr. Allexander Meinzie of Coulterallers, advocat, Captain Walter Loekhart of Kirkton, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace present elects the said Mr. Alexander Meinzie of Coulterallers to be preses, and after eletion of the said preses, the Rolls of the hail other Justices of the Peace for the said shyre was called, and none compeared ; and the Justices for the district of Glasgou not haveing returned their assessment of houses for that district, therefore the saids Justices of the Peace present in this meeting could not proceed to make a full assessment of the whole shyre to be returned into the Court of Exchequer or to the general receaver, and protested.

Folloues the tenor of ane act and ordinance of the saids Justices.

Act and Ordinance of her Majesties Commissioners and Justices of the Peace of the shirreffdoo of Lanark, against vagabounds, sorners, masterfull, idlc, and louse persons.

Lanark, Tuesday, 22d May 1711.

The saids Commissioners and Justices of the Peace haveing receaved certain information that there are considerable numbers of vagabounds, sorners, louse and idle persons, both men and women, and particularly those commonly called Egyptians, gathered together in companies and are passing through the country armed with swords, guns, pistols, durks and other such lyke wapons, and especially in the hilly and mountanous places of the said shyre and of the shyres of Tueddall and Nithsdale and Steuartry of Annandale and other places adjacent therto, and have committed and dayly are committeing the crymes of theft, robbery, breaking of houses by night and by day and assasinating and invadeing the persons of men and women and takeing their goods from them, and are guilty of many other crymes, trespasses and ofences, NOTWITHSTANDING of the laues and Acts of Parliament of this realm made againstt the samen, and particularly Act James 6th, parl. 20, cap. 13, entituled : Anc Act annent the Egyptians whereby the Kings Majestie and Estates of Parliament ratifies, approves, and perpetually confirms ane Act of secreet counsell made in the month of June or therby 1603 years and proclamations follouing therupon, commanding the vagabounds, sorners, and commone theives, commonly called Egyptians, to pass furth of this kingdoo and remain perpetually furth therof, and never return within the samen under the pain of death, and that the same have force and execution after the first day of August 1609, after the whilk tyme if any of the said vagabounds called Egyptians, also weel men as women, shall be found within this kingdoo, or any part therof, it shall be leisom to all his Majesties good subjects, or any ane of them, to cause take, aprehend, imprison, and execut to death the saids Egyptians, men and

women, as common and notorious thieves by ane asyze only to be tryed, that they are called knouen, reput and halden Egyptians, and whosoever shall att any tyme therafter resset, receave, suply, or intertain any of the said Egyptians, either men or women, shall tine their escheat and be warded att the Judges will. Act Jam. 6, par. 12, cap. 146 : That all men certifie concerneing vagabounds and suspect persons that they may be apprehended under the pain due to these vagabounds. Act Jam. 1st, par. 1st, cap. 7 : That no companies pass in the country, and ly on the King's leidges, or thig or sojourn house on them under the pain of asything the King and the party complainer. Act James 2nd, par. 7th, cap. 45 : That sorners be punished by the Justices as thieves and reivers and ratified, Jam. 3rd, par. 10, cap. 78. Act Jam. 1st, par. 3rd, cap. 66 : That the Shirreff enquire after idle men and put them to work or service or else imprisoned, and that the lyke be done in borroughs, and other lawes and Acts of Parliament made against such criminalls and trespassers ; therefore the saids Commissioners and Justices of the Peace, be vertue of the authority and powers by the lawes of this realm to them comitted, wills and strickly commands and requires wher-ever any such vagabounds, Egyptians, or other vagabounds, sorners, masterfull, idle and louse men and women, with arms or without arms, shall happen to be within the said shyre, or wherever they or any of them shall hapen to repair in the said shyre, that all and every constable or constables within every paroch therof, and all others, her Majesties leidges, knowing them, or amongst whom they resort, shall with all possible speed certifie the nixt Justice, or Justices of the Peace, or some of the cheif persons of authority or credit dueling within the same shyre, that such persons are within the same, and farder, upon knowledge of their being in or repareing to the bounds of the said shyre, that the saids constables or others, her Majesties leidges, and every-one of them, doe their exact dilligence att the utermost of their pouer in searcheing, takeing and aprehendeing of any such vagabound, Egyptian, or vagabound sorners, masterfull, idle and louse men and women, and presenting of them

to Justices or in following of them whyle they be taken or expelled and putt furth of the shyre, and immediatly to make intimation to the magistrats and persons of pouer and authority within the next shyre of the samen, and that none of her Majesties leidges within the said shyre presume to reset, suply or intercomune with any such person or persons, or give them meat, drink, house, harber, or any releef or comfort, under the same pains that every such trespasser might be subject unto themselves if they were convicted of the said cryme, or other pains of the law requires. The saids Justices promises that every such person or persons, who shal doe their duty heirin respective, shall be suficiently gratified for their pains and travell. Moreover, whosoever shal discover to the saids Justices any resettters, supliers, or intercomuners with any such vagabound Egyptians, or other vagabound sorners, masterfull, idle and louse men and women, or the givers of meat, drink, house, harbery, or any releef or comfort to them, or any of them respective, or shall discover to the saids Justices any constable or constables negligent in their office of constabulary, and dutys therof required on this behalf, and give proof and evidence of the same respective, shall lykways be suficiently gratified for their pains and travell therein: and for the better supressing of any such vagabound sorners, masterfull and idle and louse persons, the saids Justices of the Peace requires the magistrats of the burgh of Glasgow furthwith to prepair and provyd a corection house att the said burgh of Glasgou for receaveing and intertaining of the beggers, vagabounds and idle persons within their burgh, and such as shall be sent unto them out of the said shyre by the saids Justices or other Judges competent, and to apoint fitt persons to be masters and to have the care of them and to putt them to work, conform to the Act of Parliament Cha. 2nd, par. 2nd, sess. 3, chap. 18, and other lawes made theranent, and under the certification therein containt, and ordained thir Presents to be extracted furth of the records of their proceedings and to be printed and published at the mercat croce of every burgh royall, and other mercat touns, and att every paroch kirk door within

the said shyre, that none may pretend ignorance therof as ane Act made thereupon bears.

Extracted by Order of Court. *Sic subscribitur*,
J. CARMICHAELL, Clerk.

Lanark, 27 June J^mvii^c and eleven.

Sederunt—Captain Walter Lockhart of Kirkcoun, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace haveing receaved a letter from Archbald Douglas of Cavers, generall receiver of the house money for Scotland, wherof the tenor folloues :—

MY LORDS AND GENTLEMEN,—I am surprized to find that hitherto ye have not returned any duplicats of the assessment made in your shyre of the nue dueties upon houses ; your neglect and remissnes herein will undoubtedly be very much complained of att the Excheqr.

I took upon me formerly to beg with great earnestnes that ye might observe the directions in the Acts of Parliament imposeing these dutys : And I must nou again intreat that, to prevent the trouble which otherwayes ye will undoubtedly bring upon your selfs, ye may with all possible haist transmitt the duplicats of your assessments, and issue your warrants to the colecters for speedily uplifting these dueties, which, as it will be good service done your shyre as weell as the publict, so it will very much oblige, My Lords and Gentlemen, Your most humble servant,

Sic subscribitur. A. DOUGLASS.

Edinbr, June 18th, 1711.

Directed thus :

The Right Honorable the Justices of the Peace
within the shyre of Lanark.

Upon receipt of which letter the saids Justices of the Peace, conveened for the tyme, apointed a court for the efect forsaid mentioned in the said letter to be att this place upon Tuesday, the third day of Jully nixt to come, and ordained the clerk of Court to send letters for that efect to everyone of the Justices of the Peace for the said shyre to give their attendance the said day and to perform

their duty to her Majestie on this behalf for makeing up of the said assessment of house money.

Lanark, 3rd July 1711.

Sederunt — Captain Walter Lockhart of Kirkcoun, William Inglis, eldest magistrat of the burgh of Lanark.

The Rolls of the haill other Justices of the Peace for the said shyre being called, none compeared : only a letter was sent to the said meeting by Daniell Campbell of Shaufeild sheuing that he could not attend the said dyet for the reasons mentioned on his letter, and ane other letter from the Provoist of Glasgou acknouledgeing that the said assessment for that district of Glasgou was not as yet made up, but that he and the Dean of Guild of Glasgou was then going to a Generall Convention of the Burroughs to be kept att Edinburgh, and that so soon as they returned the said assessment for that district should be made up.

Major Gavin Hamiltone of Raploch elected preces for the following meeting of the Justices.

Lanark, Tuesday, the seventh of August J^mviii^e and eleven, being a Generall Meeting and Quarter Sessions.

Sederunt—Major Gavine Hamilton of Raploch, John Aird, Provoist of the burgh of Glasgou, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace present elected the said Major Gavine Hamilton of Raploch preses.

Letters of excuse from the Earle of Hyndfoord, Castle-milk, Kirkcoun, seen and admitted.

The Provoist of Glasgow gave in reasons of excuse for Blythswood and Shaufeild their absence, which was admitted.

The said Provoist of Glasgow gave in a subscriyved assessment for the district of Glasgou, which was seen and considered be the said meeting.

Compeared William Montgomery of M^{eb}[i]ehill, factor to George Lockhart of Carnwath, who moved and made ane overture to the said meeting that whatever assessment the parochial assessors might have returned to the saids Justices of the Peace concerning Carnwath's houses of Carnwath and Walstoun, yet he asserted that the saids tuo houses hes not been inhabited of a long tyme bygone—only left to the care of a servant—and with humble submission desyred that the saids Justices of the Peace would return them as such, and in these words into the court of her Majesties Excheq^r, and to the receaver generall, which desyre the saids Justices of the Peace granted. Compeared lykewayes William Bertram, younger, of Nisbit, baillie of the regality of Douglas, who moved and made the lyke overture concerneing his Grace the Duke of Douglas, his Graces castle of Douglas, and desyred the samen to be returned in the lyke manner, which the saids Justices of the Peace lykewayes granted. The lyke overture and desyre was made by John Bryden, chamberlain to the Earle of Selkirk, concerneing his lordships castle of Craufoord, which the saids Justices of the Peace lykewayes granted. The saids Justices of the Peace haveing nou receaved in the whole assessments from the severall districts of the saids shyre and burghs and paroches therein, they ordained their clerk of Court to make up a full and compleat abstract of the saids haill assessments, fairly wryten upon paper, and to attend a meeting of the saids Justices of the Peace att Hamilton upon the sixteen day of August instant, and bringing with him two exact duplicats therof to be then seen and considdered by them to the efect they might make nomination of their colector and delyver to him one of the saids duplicats with their commission for colecting of the said house money in manner preseryved by law, and return the other duplicat therof into the court of her Majesties Excheq^r or to the generall receaver of house money, conform to the Act of Parliament made theranent. Compeared William Lockhart of Waygateshau, who produced before the saids Justices of the Peace a substitution made and granted by Mr. Archbald Hamilton of Dalserf, advocat,

Shirreff dept. of Lanark, nominating and apointing the said William Lockhart, his substitute for the bounds of the overward of the shyre of Lanark, which was read in face of open court : And therupon the said William Lockhart did swear and subscriyve the oaths to her Majestie, injoynd by lau to be taken by him.

The said day Sir William Steuart of Castlemilk, in his letter of excuse of the date the sixth instant, represented to the saids Justices of the Peace that upon the fyfth day of May last by past, complained unto him Geils Riddell upon John Dyks in Baskett, for committing fornication with the saids Geils Riddell, a child being brought forth : therupon she asked of the said Sir William Steuart, Justice of the Peace, a sentance againstt the said John Dyks for alimenteing of the said chyld : the which the said Sir William Steuart, Justice of the Peace, judged to belong to the Quarter Sessions to be judges therein. But as for the fyne of fornication, he had taken upon him to sentance them in Ten pundis each of them to the minister and session clerk and had taken their receipt therof, which he desyred to be recorded. Wherof the tenor folloues :—

Receaved be me, Mr. Robert Muir, minister of the Gospell att Kilbryde in Clydsdale, from Sir William Steuart of Castlemilk, barronet, the fynes of John Dykes and Geils Riddell, parishioners in Kilbryde, amounting to Twenty pundis Scots according to law, and that for their scandall of fornication, wherof sixteen pundis now given to the poor of Kilbryde, eight by each of them, and the remaining four pundis were given to clerk and constables, which receipt I, in conjunction with the Session, doe acknouledge and shall defend as valid according to law against all deadly whatsoever, and that for the exoneration of the said Sir William, one of her Majesties Justices of the Quorum ; this att Kirktown of Kilbryde, the 2^d day of June one thousand seven hundred and eleven years, is attested, wryten and subscriyved by

Sic subscribitur. R. MUIR, Minister.

WILLIAM BOGLE, Session Clerk.

Lanark, Twesday, the thertieth day of October 1711,
being a General Meeting and Quarter Session.

Sederunt—Gledstains, Kirkton, Coulterallers, John Russell, eldest baillie of Lanark.

The said Justices of the Peace present elected the said Captain Walter Lockhart of Kirkton to be preses in this Quarter Session.

Compeared the said John Russell, eldest magistrat of the burgh of Lanark, elected at Michaellmas last, who qualified as such and as Justice of the Peace by vertue of his office as eldest magistrat.

Compeared James Weir, merchant burges of Lanark, who qualified as one of the baillies of the said burgh.

Compeared Thomas Steel of Midleholm, baillie deput of the regality of Hamilton for the district of Lesmahagow, who qualified as baillie deput foresaid.

Compeared William Cochran, clerk deput of the said regality of Hamilton, who qualified as clerk deput foresaid.

The said Justices of the Peace continued their said Quarter Session to the nixt Twesday thereafter.

Att Lanark, the fourth day of March J^mviii^c and twelve years, being a General Meeting and Quarter Session of the said Justices of the Peace for the shire of Lanark.

Sederunt—Gledstains, Kirkton, Baillie Russell.

The saids Justices of the Peace present elected the said Captain Walter Lockhart of Kirkton preses.

Information of criminal matters to be tryed in the enshewing Circuit Court to be holden at Glasgow in May nixt to come, and of other crymes, trespasses, and offences which hath happened to be committed within the bounds and commandments of the saids respective constables since the last Quarter Sessions, was demanded of and enquired for at the said respective constables, who and every of them returned that to their knowledge they knew of no crymes, trespasses, or offences whatsoever to have been com-

mitted within the bounds of their respective charges and commandments since the time foresaid.

The saids Justices of the Peace ordained to constables in the several paroches of the said shire to make information of all damnages and breaches made upon highways throughout the said shire, or wherein the said highways are in a bad condition, or where head ridges are not made where plewed ground lyes on the sides of highways in any place of the said shire, and of other damnages done to the said highways contrair to law; and ordained the saids constables to return their saids informations therof, under their hands subscribed by them to the clerk of the Peace for the said shire and his office at Lanark against Twesday, the eleventh of March instant J^mvii^c and twelve, as they would be ansuerable upon their perils.

Information being laid before the saids Justices of the Peace by James Carmichaell, their clerk and collector of the house money for the year 1711 bygaine, conforme to a List and Roll therof against such as are deficient in payment of the samine, the saids Justices of the Peace continued their Sessions to Twesday, the eleventh instant foresaid, and continued their cogniseance in the said matter to the said day; and in the meantime, recommended to the saids Justices in the severall districts of the said shire to issue further precepts of assessments to assessors for this current year J^mvii^c and twelve, with all possable dilligence, that their certificats therof and a compleat assessment for the whole shire may be made up in due time, and ordained the clerk to signify the samine to the saids Justices and Clerks of the several districts.

Att Lanark, the eleventh day of March J^mvii^c and twelve years, being a continued Court of the Quarter Sessions of the Justices of the Peace for the shire of Lanark.

Sederunt—Rolls called. Coulterallars, Kirktown, Robert Rodger, Provost of Glasgow, John Russell, eldest magistrat of Lanark.

The saids Justices of the Peace present elected the said Mr. Alexander Meinzie of Coulterallars, advocat, preses.

Overture made by the said Provost of Glasgow: That it is absolutly necessar that a bridge be built upon Towcorse burn for the safty of passangers. The saids Justices recomended to the said Provost to take advice of the neighbouring gentlemen what cost the building of the said bridge will stand in winning and leading of stones.

Att Lanark, the sixth day of May J^mvii^c and twelve years, being a General Meeting and Quarter Session.

Sederunt—Gledstains, Coulterallars, Kirktown, Baillie Russell.

The saids Justices of the Peace present elects the said Captain Walter Lockhart of Kirktown preses.

The saids Justices of the Peace appoints the constables, serveing for the last half year, to give in Lists of the highways within their respective paroches, and wherein the saids ways are damnified, and where headridges are not made conform to the Act of Parliament and ordinance of the saids Justices, to the clerks within the respective districts within fourteen days hereafter, and the saids clerks to report the same to the clerk in this place against the last Twesday of this instant; and ordains the Justices of Peace in the districts of Hamilton and Glasgow to make nomination of such as shall serve for this current half year where constables are not now instantly named, and to report the same against this day 8 days, and ordains the report to be from the Justices themselves or from their clerks by their warrand in writeing subscribed; and in regard it may happen that the Justices of Hamilton district may be absent, ordains the clerk to make up the said nomination of fitt and qualified men to serve as constables *ut supra* as he will be ansuerable.

The said Justices of the Peace conveyened for the time

made nomination of the parochial overseers of highways within the said shire of Lanark for the service of the year J^mvii^c and twelve, which are as follows :—

Carluke : William Forrest, port^r of Langshaw, William Forrest of Malshock, [] Petticrove in Hindshaw. Lanark : The Baillies and Town Council of the burgh of Lanark, James Howison, port^r of Hyndford, William French in Boathouses, John Brown in Westnemphlar, John Gilkerson, smith, in Cartland. Carstairs : M^r James Craig, Chamberland of Carstairs, John Logan, younger, in Ryflett, Alexander Gibson in Carstairs. Carnwath : James Wyld in Carnwath, James Somervell of Ampherlane, Robert Anderson in Newbigging. Crawford : John Bryden, Chamberland of Crawford, James Moffat in Glengeith, David Blackstocks in Littleclyde, John Zuil in Newtown. Crawfordjohn : James Gray, Chamberland of Crawfordjohn, Alexander Tweedie, port^r of Nethertown, Thomas Cunningham in Over Abingtown. Robertown : John Gillespie, drover, in Hillend of Robertown, Michael Galloway in Bagbie, John Sadler in Shillahead. Wistoun : William Baillie in Burnhouse, John Gillespie, elder, in Wistoun, Robert Gray in Greenhill. Pettinain : John Clerkson in Pettinain, Thomas Simpson in Milnhill. Carmichael : William Carmichael in Carmichael boad, James Murray in Harliholm, John Inglis in Side, James Howison in Ponfeigh, James Chapman in Sandilands. Douglas : William Inglis in Scrogtown, John Greenshields in Broomerside, John Lewars in Wolferooks, Thomas French in Craighburn. Lesmahagow : Andrew Hamilton in Gamgour, George Steel of Trows, W^m Greenshields in Ponneil, W^m Lewars in Tower, John Twaddell in Balgray, James Brown in Corehouse, George Weir in Blackhill, James Forest in Thripwood, John McGie in Draffan, W^m Nicol in Kirkmoorhill. Hamilton : John Baillie of Woodside, James Strang, port^r of Meikle Earnock, Andrew Simm, maltman in Hamilton, Gavin Couper, maltman, there, James Jack in Evanmilne, John Naismith in Allantown. Blantyre : William Jackson of Bardykes, John Jackson of Redlies, William Coats of Old Place, John Coats, port^r of

Barnhill, John Miller of Milnhcugh. Cambuslang : William Miller of Chappel, John Zuil of Fleemingtonn, John Riddell in Clydesmilne, James Corsbie in Coats of Cambuslang. Kilbryde : James Lindsay in Muchtonhall, Patrick Graham of Lyme Hills, James Smith in [], W^m Alexander, Chamberland of Calderwood, Alexander Struthers in Mains of Calderwood, Alexander Fleeming in Know. Avandale : William Cochran of Townend, William Craig in Netherfield Dyke, Robert Leiper, writer in Strathaven, James Young of Peclhill, William Currie, merchant in Strathaven, John Thomson in Floors. Glassford : Mr. William Crawford of Hathill, John Holms at Glassford Kirk, John Hart in Heads, William Semple of Hook. Stonehouse : John Hamilton in Milnholm, John Hamilton in Crofthead, Thomas Mutter in Stonehouse, John Weir in Crumhaugh, Thomas Robieson in Hazeldean. Dalziel : John Robieson in Dalziel Motherwell, James Lightbodie in Meadowhead, Robert Aiton in Windmilnhill. Dalserff : Mr. James Paterson of Woodside, [] Brownlee, smith in Laverockhall, Robert Bruce in Skellitown, Robert Stewart in Dalserff, John Smith in Old Machen. Shots : M^r Robert Russell in Forest of Shotts, John Baillie of Goodenhill, Richard Robieson in Shotts, William Russell in Hirst, John Maxwell in Moorhead. Bothwell : Gavin Waddell in Bothwell, W^m Hamilton in Easterparkhead, James Corser in Udingtown, James Lawrie in Hill, Andrew Bradwood in Udingtown, Thomas Inglis in Holowtown, Robert Legget in Belsiehill. Cambusnethan : David Lawrie in Moorhouse, Thomas Young in Overtown of Cambusnethan, James Cleland in Fleemingtown, James Brownlee in Coltness. Barronie paroch of Glasgow : John Petticrove of Green, George Tod, portioner of Haghill. Govan : James Rowan, younger, of Headrichill, Thomas Gemmil, hammerman in Gorbals. Calder : John Bryce, port^r of Limloch, Robert Landess, port^r of Rawbryston. Rutherglen : John Scot, late baillie of Rutherglen, James Maxwell in Shawfield. New Munkland : John Martine in Newmunkland, M^r James Jack of Brydenhill. Old Munkland : John Scot of Kinmoor, James Murray of Boghall, Robert

Mack in Shawhead, James Brown, elder, in Coats. Carmunnock : James Shaw in Castletown, David Warroch in Carmunnock. Cathcart : Andrew Man in Bradielie.

Follows ane Act, made by the said Justices of the Peace, for authority and direction to the said overseers in the execution of their said office, which they ordain to be printed and a copy thereof sent to the overseers in every paroch, containing their names and designations for every such paroch, whereof the tenor follows :—

Act and ordinance of Her Majesties Commissioners and Justices of the Peace for the Shire of Lanark, anent mending and repairing of Highways and Bridges within the said Shire.

Lanark, Tuesday, 27th of May 1712.

The Justices of the Peace for the shire of Lanark convened for the time, by vertue of the powers to them committed by the laws and Acts of Parliament of this kingdom, anent the repairing of highways, bridges, and ferries, has nominate and appointed and hereby nominats and appoints

[Names have not been entered, though space was left for insertion of names.]

to be overseers for mending and repairing of highways, bridges, and ferries within the several paroches wherein the saids persons duells and lives respective. And sick like the saids Justices of the Peace nominats and appoints William Dalzell of Ridemyre to be general overseer to the effect foresaid through the whole bounds of the said shire, and conjoins him to the other overseers abovenamed for the particular bounds abovementioned. And that for this current year one thousand seven hundred and twelve years, and in tyme comeing from time to time ; ay and while this present act be recalled by the said Justices of the Peace. And authorizes them and ilk one of them conjunctly and severally, either in general or special abovedesigned, to put the laws and Acts of Parliament now in force to due execution for repairing and mending of highways, bridges,

and ferries within the foresaid bounds, particularly or generally afterspecified or confines of the samine with other paroches as well without the said shire as within the samine, so far as the execution thereof is committed to overseers ; and particularly but prejudice to the generality foresaid, Act Charles 2, par. 2, Sess. 1, cap. 16, givinge the saids Justices or overseers power to call and conveyen all tennants, cottars, and their servants, and possessors of lands within the bounds appointed for their parts of the highways, by publick intimation at the paroch kirks upon the Sabath day, immediatly after the first sermon or any other way that they shall think fitt, to have in readieness horses, carts, slades, spades, shofvels, picks, mattocks and such other instruments as shall be required for repairing of the saids highways, and to conveyen all such persons therof as they shall be required ; and with such proportion and with such furniture as the saids Justices or overseers, general or special abovenamed, shall appoint, and that in the most equal and proportionable way as the saids Justices will be ansuerable, with power to them and ilk one of them to designe such of the said persons as they find to be most skillfull to attend and direct the rest. Providing that the days they are required to work do not exceed the number of four days for man and horse yearly ; and may be at any time of the year which the saids Justices or overseers shall think most convenient, seed time and harvest being allways excepted. With power to the saids overseers to poynd the readiest goods of the absents for twenty shilling Scots money foresaid, the absence of ilk man daylie, and therty shilling for the man and horse without further solemnity, but apprisinge the samine upon the ground of the land, and therewith to hire others in place of the absents, and in case the saids absents shall not have poyndable goods, to punish them in their person as they shall see cause.

Yet notwithstanding thereof, where the highways ly at great distance from those who are lyable to repair the samine, that it shall be leisum to the saids Justices and overseers to dispence with the absence¹ of these persons

¹ presence.

who live at such a distance, they paying six shilling for ilk man and twelve shilling for ilk horse which ought to have been employed in the said work ; and which money is to be expended on the saids highways as is prescribed Act. Char. 2, par. 2, sess. 2, cap. 9, and which highways shall be twenty foot broad at least, or broader if the samine have been so of before, and shall be so repaired that horses and carts may travel summer and winter thereupon, and appointing such overseers and workmen to be employed therein to correspond with other overseers and workmen in neighbouring paroches or shire, to the repairing of such highways, bridges, or ferries as shall lye upon the confines of every the saids paroches or shires : Prohibiting and discharging all persons whatsoever to break or abuse the saids highways by pleughing up any part thereof, laying stones, rubbish or dung thereon, or any way breaking or pooling the samine, or turning in or daming water thereupon. And the said Justices of the Peace in their Generall Quarter Session, to be held upon the first Twesday of May and last Twesday of October yearly, to take ane oath of the constables of what damage they know done to the highways, bridges, or ferries since the year preceeding in any of the forsaid particulars prohibited or any others and by whom, upon which the said Justices shall convene the transgressors, and in ease of conviction by oath or witnesses shall fine them as they shall see just, and shall poynd therefore in manner foresaid and apply the samine for the use of the saids highways. And further, ordaining that where laboured land lyes upon the side of highways, the said laboured land shall be fenced with dyke, ditch or hedge (or headriges made thereupon conform to ane act of the said Justices of the Peace dated April 4th 1710), yet so as neither dyke, nor ditch, nor hedge, nor headrige or any part thereof be within the forementioned breadth appointed for the highways. And in case any laboured land so lying shall not be fenced as is prescribed by the said Act of Parliament, and act of the said Justices foresaid, then and in that case the said Justices of the Peace or overseers are hereby authorized and required to cause poynd in manner

foresaid the labourers of the saids lands for four shillings Scots for ilk eln which shall not be so fenced ; and to apply the saids fines for fenceing thereof in manner foresaid. Likeas, it is hereby declared, that whatsomever stones, rubbish or dung or other impediments beis thrown or found lying upon the saids highways, or water turned in or damed thereupon shall be esteemed and holden as done by the labourers of the lands nixt adjacent to the highways where the damage is done, who shall be fined therefore be the saids Justices and overseers : Reserveing right to the saids labourers to call before the Justices any other for their releiff who have been the real actors of the skaith.

Item, the saids Justices of the Peace wills and requires that all and every constable or constables within the saids paroches to give their assistance to the saids overseers, for carrieing on of the said work and distress and poynding of the goods of absents, conform to the foresaid Act of Parliament. The saids overseers in the first place giveing to the said constables a list of the names and designations of each absents from time to time, directly subscribed by the saids overseers themselves, which with the present act shall be a sufficient warrand to the saids constables, who are hereby charged to do their duty of constabulary on this behalf as they will be ansuerable upon their perrill, and be lyable to a fine of fourty merks *toties quoties*, attour half an years imprisonment. And in case of vaccancy of any of the said overseers by death or otherways, the saids Justices of the Peace shall make nomination of others in their place, and shall alter and add to their number of overseers as the saids Justices shall see cause.

And lastly, the saids Justices of the Peace recomends to the several heretors in the said shire and paroches therein to give their aid and assistance to the saids overseers for carrieing on of the said so necessary a work from time to time, and to cause their people under them to give ready obedience to the saids overseers thereunto, whereby the said work may be the more speedily carried on for the good and conveniency of the people and travelers ; and to the effect it may be known what progress is made in mending

and repairing of the saids highways, the saids Justices of the Peace ordains the saids overseers to make report to them on their Quarter Session, to be held upon the first Twesday of May yearly, ane account of what hath been done in the foresaid work durelmg the preceeding year, with ane accompt of what pains and money have been received be them, and how received, for what use they have imployed the samine; and the saids overseers to receive instructions from the saids Justices of the Peace, and be obsequious thereunto from time to time, as the saids overseers will be ansuerable upon their perill, and such pains as the saids Justices shall see just to impose upon them.

Item, the saids Justices ordains the overseers for the year J^mvii^c and eleven years to give in a report of their dilligence for the said year, against the nixt Lambas Quarter Session, as they will be ansuerable, and under the fines contained in the Act of Parliament; and ordains that the constables shall have six shilling Scots ilk one of them each day of their attendance upon the said overscers from time to time, upon William Dalvell's attestation thereof, who is now appointed general overseer.

And ordains thir presents to be extracted and printed and published at mercat crosses and paroch kirk door within the said shire.

Att Lanark, the tenth day of June J^mvii^c and twelve.

Robert Rollo, excise officer at Lanark, compeared before Captain Walter Lockhart of Kirkcoun, one of the said Justices of the Peace for the shire of Lanark, who made affidavit for his faithfull execution of the said office as is prescribed by law for surveying and takeing ane account of all soap, and paper, pasboards, millboards and scailboards made, and of all silk, callicos, linnens and stuff printed, pented, stained or dyed within the bounds of his charge.

Lanark, 23^d June 1712.

Mungo Aiken, excise officer for the division of Douglas, compeared before John Russell, eldest magistrat of the

burgh of Lanark and one of the Justices of the Peace for the sherrifffdom thereof, who made affidavit for his faithfull execution of the said office as is prescribed by law for surveying and takeing ane account of all soap and paper, paseboards, millboards and scailboards made, and of all silks, callicos, linnens and stuff printed, pented, stained or dyed within the bounds of his charge.

Lanark, Friday, 11th July 1712.

The said day Captain Walter Lockhart of Kirktown and John Russell, eldest magistrat of the burgh of Lanark, being informed by the constables in the paroch of Cambusnethan, anent the mending and repairing of the highways within the said paroch, that that part of the highway called the Cassayridge Moss, lying within the said paroch, will be very expensive in its mending and reparation, and must be cassied for seven score paces of measure, which will exhaust the work to be done by the countrey in that place : Therefore the Justices of the Peace recomends to all gentlemen and passangers, carriers, travelers, and others, who may be concerned to pass that way, to bestow at their pleasure such money as they think fitt to be helpfull for the perfecting of the said mending, repairing, and cassaying of the said rode ; and to give the same to John Douglas, bearer hereof, who is imployed in the said work and is to be accomptable, and to give accompt of each mans donation to the said work, and record the same, and to be accomptant to the said Justices of the Peace whenever he is called for ane accompt therefor[e] in their Quarter Sessions or other occasions, and ordains the clerk of Court to give extracts hereof to the said John Douglas.

Att Lanark, the fifth day of August J^mvii^c and twelve, being a General Meeting and Quarter Session of the said Justices of the Peacc.

Sederunt — Raploch, Gladstains, Kirktown, Baillie Russell.

The said Justices of the Peace present elected the said Major Gavin Hamilton of Raploch preses.

Follows ane Act made by the said Justices of the Peace anent John Gilkrist in Burnsands of Killbryde, which is as follows :—

Att Lanark, the fifth day of August J^mvii^c and twelve years, being a general meeting and Quarter Session of the Justices of the Peace for the shire of Lanark, anent the information and precognition following thereon, brought in before the saids Justices of the Peace conveyened for the time, whereof the tenor follows :—Att Hamilton, the ninth day of Jully J^mvii^c and twelve. The which day Major Gavin Hamilton, one of the Justices of the Peace of the shire of Lanark, haveing called and conveyened the witnesses afternamed before him, in order to precognosce the matter underwritten, given in by Alexander Stewart of Torrence, for himself and in name and behalf of the countrey and neighbourhood in Killbride, conform to ane complaint in a missive letter sent by Torrence to the said Major Hamilton of Raploch, the substance of which complaint is as follows, viz. :—Shewing that John Gilkrist, in Burnsands in Killbride, haveing for these several months been looked upon by the haill countrey to be a man distempered and out of his rational witts, in so far as he, the said John Gilkrist, has these several months bygone threatened and menaced Torrence and his family and several others within the foresaid paroch and else where with a kniff and staff and other such like wapons, and threatened to take their lives, and therefore craveing warrand to secure the said John Gilkrist till he find caution to live soberly and neighbourly in the countrey, and that none might sustain prejudice by him, and this to be done according to, and in the terms of, law. Upon which complaint the said Major Hamilton gave warrand to seize and apprehend the said John Gilkrist, and, being apprehended, to put him in Hamilton prison till he found the foresaid baill; and accordingly, baill being found for him, and this day being appointed to make tryall of the behaviour of the said John Gilkrist, the witnesses afternamed were examined relative to the said matter in order to precognosce the said affair; and who declare as follows :—Alexander Stirling in Tower

of Killbride, aged fifty nine years or thereby, married; and interrogat upon the points of the above complaint—declares affirmative to the complaint, viz., That he knows that the said John Gilkrist has been looked upon by him to be a man distempered and out of his rational witts these several months bygone, and that the said John Gilkrist has threatened Torrence and sevrall other people with a kniff and several other such like instruments; and further, declares that he threatened the Declarant himself and has several times struck him; and that the said John did follow his own brother from his own house near Killbride with a naked sword to the house of Mauhlinehole; and this he declares to be a truth. *Sic subscribitur,*

ALEXANDER STIRLING.

G^{av}. HAMILTON.

Alexander Struthers in Nethermaines of Calderwood, aged fourty years or thereby, married; and interrogat on the points of the within complaint, declares that the within John Gilkrist has been looked upon by him and several others to be distempered and out of his rational witts for these severall months bygone, and that he the said John Gilkrist threatened with a knife several persons, amongst whom the Declarant was, and that about twenty days agoe—and that the Declarant and some others did bind and tye the said John as a madman; and the Declarant declares this to be of truth and verity. *Sic subscribitur,*

ALEXAN. STRUTHERS.

G^{av}. HAMILTON.

Hamilton, the ninth day of Jully J^mvii^c and twelve—the which day the said Major Gavin Hamilton of Raploch, haveing considered the within complaint, and the declarations of the witnesses and severall other verbal complaints made against the said John Gilkrist by several persons present before him this day—of his madness and vitiousness—does find that the said John Gilkrist cannot be trusted with himself, not only for the skaith he may do to himself, but likeways to these of the neighbourhood; and therefore the said Major Gavin Hamilton does hereby

appoint and ordain the said John Gilkrist to be tyed and carried home, and there keeped and tyed and bound and fed upon bread and water untill the advice of the Quarter Session be had and got thereanent, and what should be further done with him, the said John (in regard the within mentioned baill falls this day), and appoints the constables and Alexander Stirling, his brother in law, to take care of him dureing this time. *Sic subscribitur,*

G^{AV}. HAMILTON.

And the said Justices of the Peace, convened this day, haveing taken the foresaid information and precognition to serious consideration, they all in one voice approve of the samine, and for further prosecution thereof, they recomend to and authorizes the said Major Gavin Hamilton, as Justice of the Peace within the district of Hamilton, to cause take care of the said John Gilkrist; and at his discretion to stent or cause be stented the inhabitants of the said paroch of Killbride for a mentinance to the said John Gilkrist, and to cause collect the same by warrands under his hand from time to time, untill the nixt Quarter Session; or that evidence be given to the said Major Hamilton that the said John Gilkrist is become to his rational witts again. And ordains his effects to be affected for releef to the said paroch of the said mentinance, as the soids Justices of the Peace their Act, made thereupon, bears.

Lanark, 28th October 1712, being a Quarter Session.

Sederunt—James, Earle of Hyndford, Sir William Meinzie of Glastainis, Mr. Alexander Meinzie of Coulterallers, advocat, Captain Walter Lockhart of Kirktown, Sir James Hamilton of Roschall, Baronet, Daniel Campbell of Shawfield, the Provost of Glasgow, the eldest baillie of Lanark.

The soids Justices of the Peace present elects the said Earl of Hyndford preses.

The said day, pursuand to ane Act of the Parliament of Great Brittain, Anno Decimo Annae Reginae, intituled:

Ane Act to prevent the disturbing those of the Episcopal communion in that part of Great Brittain, called Scotland, in the exercise of their religious worship and in the use of the Liturgie of the Church of England ; and for repealing the Act past in the Parliament of Scotland, intituled : Act against Irregular Baptisms and Marriages—appointing all ministers of the Established Church in that part of Great Brittain, called Scotland, and the pastors and ministers of any Episcopal congregation within the same, to take, swear, and subscribe the Oath of Allegiance to her Majesty, Queen Ann, and the Oath of Abjuration. And, conform to ane other Act of the Parliament of Great Brittain, intituled : Ane Act for inlarging the time for that effect to the first day of November nixt to come inclusive, compeared personally, in presence of the saids Justices of the Peace assembled for the time as said is sitting in judgement, Mr. James Brown, minister at Glasgow ; Mr. James Clark, minister there ; Mr. John Gray, minister there ; Mr. James Stirling, minister of the Barrony paroch of Glasgow ; Mr. John Stewart, minister at Eglishame ; Mr. David Erving, minister at Calder ; Mr. Charles Coats, minister at Govan ; Mr. Francis Borland, minister at Glassford ; Mr. John Hamilton, minister at Strathaven ; Mr. William Hamilton, minister at Bothwell ; Mr. Gavin Hamilton, minister at Robertown ; Mr. James Gartshore, minister at Carmichaell ; Mr. John Scot, minister at Carluke ; Mr. James Hepburn, minister at Crawford ; Mr. Robert Gray, minister at Woolstown ; Mr. Robert Black, minister at Lesmahagow ; Mr. John Orr, minister at Lanark—all ministers of the Established Church of Scotland. And also compeared personally Mr. William Cockburn, minister of the Gospell in the Episcopall congregation in Glasgow, who produced his Letters of Ordination from the Reverend Father in God, George, Bishop of Aberdeen, which was seen by the saids Justices of the Peace and now recorded in the register of their proceedings by their clerk of Court, in manner underwritten. And then and there the above named ministers of the Established Church of Scotland and the said minister of the Episcopall congregation at

Glasgow and every one of them, did take, swear, and subscribe the respective oaths abovementioned; the same being administered to them by the said James, Earle of Hyndford, preses foresaid, in the said General Meeting and Quarter Session.

Follows the said Mr. William Cockburn, his ordination foresaid verbatim in manner underwritten, viz. :—

In nomine Sacrosanctae Individuae Trinitatis, Amen. Tenore presentium nos, Georgius, miseratione divina Ecclesiae Aberdonensis Episcopus, Universis et Singulis Notum facimus Quod anno incarnationis Dominicae Millesimo Septingentesimo duodecimo, Die vero Julii decimo quinto, dilectum nobis in Christo Gulielmum Cockburn, in Artibus Magistrum, de cujus literatura, vita laudabili, et morum integritate, sufficienter nobis testificatum, et quod hactenus Diaconatus officio functus sit pie, pacifice, et fideliter, et jam debitam, et canonicam obedientiam omnibus in Ecclesia superioribus, secundum Regulas et Canones in ea parte statutas, se fideliter praebiturum promittentem in sanctum Presbyteratus ordinem rite et canonice secundum ritus et morem Ecclesiae antiquae assistentibus quibusdam Presbyteris in Capella nostra privata apud Denhead in Diocesi Dunkeldensi promovimus et admisimus. In cujus rei testimonium Literis hisce nostra manu Signatis Sigillum Nostrum apponi mandavimus. Anno Episcopatus nostri Vigesimo quarto, pro Gulielmo Cockburn Artium Magistro Insubscribitur

GEO: ABERDENENSIS.

Thereafter the saids Justices of the Peace ordained Certificats to be given furth to the saids ministers of the Established Church of Scotland and to the said minister of the Episcopal congregation at Glasgow, of their qualifying as said is, whenever they demanded the same. And the said Mr. William Cockburn having instantly urged to have his Certificat, the same was given furth to him as follows, viz. :—

Sit omnibus notum quibus hoc Testimonium venerit, Quod Reverendus Magister Gulielmus Cockburn, Ecclesiae

presbyter coram nobis comparuit, in manibus tenens ordinationis Literas, quas in Archivis nostris inserere curavimus. Predietus reverendus Presbyter fidelitatem Reginae nec non abjurationem juravit, subseripsitque secundum Acta Parliamenti, quae omnia facta fuerunt coram nobis pacis Justiciarijs in Comitatu de Lanark in Sessione nostra habita apud Lanark vigesimo octavo die Octobris Anno Domini millesimo septingentesimo duodecimo, in cujus rei testimonium ma[n]davimus Jacobum Carmichaell, clericeum nostrum, hoc testimonium sub ejus manu emittere. Quod ego, Jacobus Carmichaell, testor sub manu mea, nec non hoc Testimonium manu Caroli Inglis, mei servitoris, fideliter scriptum, et sigillum meum eodem apposui apud Lanark die, mense, et anno predictis Sie Subseribitur,

J. CARMICHAELL, *Clerk.*

A letter of excuse from Castlemilk at Dalserff, shewing Mr. Robert Muire, minister at Killbride, his indisposition, which was seen and admitted.

Certificat from Doetor Maitland and Doetor Thomson in Glasgow, shewing Mr. Alexander Muire, minister at Rutherglen, his indisposition, which was seen and admitted.

A letter from Mr. Tait, minister of the Gospell at Carmunnoek, directed to Mr. John Gray, minister of the Gospell at Glasgow, shewing his indisposition, presented to the Justices of the Peace, which was seen and admitted.

Representation given in by the schoolmaster of Douglas shewing Mr. Arthur Birny, minister at Douglas, his indisposition, which was seen and admitted.

The ministers of the Presbytery of Biggar subseriveing gave in a declaration subserived by them relative to the saids Oaths, which, after reading of the samine in face of open Court, the saids Justices of the Peace ordained the same to lye *in retentis* and to be recorded in the register of their proceedings, whereof the tenor follows :—

Unto the Right Honourable Her Majesties Justices of the Peace within the Sherriffdom of Lanark—We, Under-subscribers, Ministers of the Gospell, Mr. Robert Livingstone at Biggar, Mr. John Buchannan at Covington, Mr.

James Stewart at Libertown, Mr. James Forrester at Coulter, Mr. Thomas Lining at Walstown, Mr. David Blinshall at Lamingtown, all of us within the Presbytery of Biggar and Sherriffdom of Lanark—Haveing taken into our serious consideration that this is the time appointed for us by authority to take the Oath of Abjuration, do declare that we cannot, with safe consciences, in regard that there are some things in the Acts of the English Parliament referred to in the Act which we cannot actually concur with, much less swear to : And the Oath seeming to reduplicat upon these things and involve our consent thereto—unless the same were otherways explained by the legislators—We, therefore, to prevent all misconstructions which may possibly arise from our not takeing the said Oath, thought it our duty hereby to declare before yow, Her Majesties Honourable Justices of the Peace, that we own our Sovereign Lady, Queen Ann, to be the only lawfull and rightfull Queen of this realm, and that the pretended Prince of Wales, takeing upon himself the style and title of the King of Great Brittain by the name of James the Eight of Scotland and Third of England, hath not any just title or right whatsoever to the crown of this realme, and that we are firmly resolved, to the utmost of our power, in our stations to stand by, defend, and give all due allegiance to Her Majesty Queen Ann against the said James and all persons whatsoever : As also after the decease of Her Majesty Queen Ann, without heirs of her body, to support and defend the Princes Sophia, Electoress and Dutches Douager of Hannover, and the heirs of her body—being Protestants—as the nixt in succession to the Crown of this realme : And that against the said James, and all other persons whatsoever. And that we are ready to declare all this upon oath whenever the same shall be required of us by supream authority. In testimony of the premisses we have subscribed the same at Biggar, the twentieth and seventh day of October J^mvii^c and twelve years. *Sic subscribitur,*

A. LIVINGSTONE, JO. BUCHANNAN, JA. STUART,
JO. FORRESTER, THOMAS LINING, DAVID BLINSHALL.

The Justices of the Peace continues their Quarter Session from day to day to the first of November next to come inclusive, and allows the ministers above named or any other ministers to compear and take the Oaths before the several Justices in their districts.

The said day the saids Justices of the Peace for the said shire of Lanark, convened for the time, considering how necessar it is to have a stone bridge built over Towcorseburn upon the patent highway beneath the house of Towcorse leading to and from the city of Glasgow, and being informed of the many dangers and inconveniencies that severall of her Majesties leidges—and especially strangers passing the said way—has hitherto sustained in the time of storms and floods through the want of a bridge over the said Towcorseburn at the said place ; and considering the offer of building of the said bridge—made by Robert Rodger, present Provost of the burgh of Glasgow and one of the Justices of the Peace of the said shire, present in the said Quarter Sessions, for himself and in name and behalf of the remanent magistrats and Town Council of the said burgh, and their successors in office for the time being, and community thereof—upon their own charges (a sutcable stance for the said bridge over Towcorse burn being once appointed, provided and prefixed, and the materialls of lyme, sand and stone being provided and laid down thereto by the countrey and upon their charges and expences): Therefore the said Justices of the Peace, by vertue of the powers to them committed by the laws of the land on that behalf, has recomended and hereby recommends to the said Provost and remanent magistrats of the said burgh of Glasgow, and their successors in office for the time being, and the Justices of the Peace for the said shire within the district of Glasgow and [] Corbet of Towcorse, heretor of the lands upon the said highway at Towcorse burn, to consider where the stance of the said bridge may be had on Towcorse burn. And to the effect the materials of lime, sand, and stone for building of the said bridge may be furnished, provided and laid down at the place to be appointed for the stance of the said bridge, and putting

sufficient ledges upon the same, and calsays over and to and from the said bridge for safe passage—the said Justices of the Peace, be vertue of the saids powers to them committed, has ordered and appointed and hereby orders and appoints the soume of fifteen pound starline money to be paid into the said Provost of Glasgow, or his successor in office for the time being, for providing of the above materialls betwixt and the first of Jully nixt to come, out of the first and readiest excressence of the Cess or Land Tax monies of the said shire for this current year, be the collectors thereof, to whom ane extract of this present act and a receipt from the said Provost or his successor in office of the said soume shall be a sufficient warrand and discharge *pro tanto* ; and in case the excresence of the said Cess or Land Tax monies of the said shire for this current year shall not amount to the said soume of fifteen pound starline money, the saids Justices of the Peace have declared and hereby declares that they will stent the said shire for payment thereof, conform to the laws and powers given to them for that effect ; and in regard it may happen that the saids magistrats of the burgh of Glasgow, or their successors in office for the time being, and community thereof (for carrying on the building of the said bridge), be obleidged to advance the said soume of fifteen pound starline, the saids Justices of the Peace declares that the current interest or above rent shall be paied with the stock itself from the time of the advancement of the said soume ay and while the repayment thereof. And for the more easie building and repairing of the said bridge the saids Justices of the Peace, assembled for the time in their Quarter Session, has authorized and hereby authorizes the said Provost of Glasgow, or his successor in office for the time being, and the other Justices of the Peace within the said district of Glasgow, to call and convene these within the paroch where the said bridge is to be built, or other paroches adjacent thereto, to concur in leading of the said materials at their discretion, conform to the power granted to them for that effect. And in case the saids magistrats of Glasgow, or their successors in office for the time being, shall be

obleidged—for providing of the saids materials—to advance more money than the said soume of fifteen pound starline, the saids Justices of the Peace declares that they shall be punctually reimbursed and paid of the samine, with the interest thereof, in manner above mentioned. Moreover, there being a representation made to the said Justices of the Peace, assembled for the time in their said Quarter Session, that the Bridge of Pomadee, lying betwixt the burghs of Glasgow and Rutherglen, need some small reparation: Therefore the saids Justices of the Peace have appointed and hereby appoints the saids Justices of the Peace within the district of Glasgow to convene these within the adjacent paroch or paroches and to ordain them to repair the said Bridge of Pomadee at the discretion of the saids Justices of the Peace, to whom the same is hereby recommended, as ane act made thereupon bears.

The which day the saids Justices of the Peace assembled for the time, haveing received a letter to them directed by the Justices of the Peace for the shire of Stirling, dated at Stirling August 5th, 1712, shewing that a representation was made to them in their Quarter Sessions holden by them that day—that the Bridge of Calder would become ruinous and fall if not speedily repaired; and therefore the Justices of the Peace of that shire desired that the Justices of the Peace in this shire of Lanark might concur and assist in repairing of the said bridge and to contribute effectually for the speedy repairing of the samine—which letter, being read, seen and considered by the saids Justices of the Peace for the shire of Lanark, assembled this day and place, and being informed by Robert Rodger, Provost of the burgh of Glasgow, and one of the saids Justices of the Peace for the said shire of Lanark, now present in their said Quarter Session, of the pains and labour that hath been done by the said burgh of Glasgow on this behalf: Therefore the saids Justices of the Peace for the shire of Lanark, assembled for the time in their Quarter Sessions this day and place, has ordained and appointed and hereby ordains and appoints that at the nixt meeting of the Commissioners of Supply for the shire of Lanark there be paid to the said

Provest of Glasgow, or his successors in office for the time being, by the Collector of the Supply or Land Tax money of the said shire of Lanark—out of the first and readiest of the exerescence of the said Supply or Land Tax money of the said shire for this current year—All and Hail the soume of five pound starline money, which soume the said Justices of the Peace appoints to be applied be the said Provest of Glasgow, or his successor in office for the time being, towards the reparation of the said Bridge of Calder, in compliance with the desire of the Justices of the Peace for the shire of Stirling above mentioned. And declares that ane extract hereof, with a receipt from the said Provest or his successor in office, shall be a sufficient warrant and discharge to the Collector of the said soume *pro tanto* as the saids Justices of the Peace their act made thereupon bears.

The minutes of which Quarter Session immediatly above deduced were all duely signed by the said James, Earle of Hyndford, preses.

Att Carluke, October 29th, 1712.

Sederunt—Daniel Campbell of Shawfield, Robert Rodger, Provest of Glasgow, Captain Walter Lockhart of Kirktown.

The said Justices of the Peace present elects the said Captain Walter Lockhart of Kirktown preses.

The said day compeared Mr. David Brodie, minister of the Gospell at Dalserff, and qualified himself by takeing, swearing and subscribeing the oath of allegiance to her Majesty Queen Ann, and oath of abjuration, conform to the directions of the foresaid Act of Parliament.

Att Douglas Mans, the 30th of October 1712.

In presence of Captain Walter Lockhart of Kirktown, one of the Justices of the Peace for the shire of Lanark, compeared Mr. Arthur Birnie, minister at Douglas, and qualified by takeing, swearing and subscribeing the oath of allegiance to her Majesty Queen Ann, and oath of abjuration, conform to the directions of the foresaid Act of Parliament.

Glasgow, first November 1712.

Sederunt—Robert Rodger, Provost of Glasgow, Collen Campbell of Blythwood, Daniel Campbell of Shawfield.

The said Justices of Peace elects the said Provost of Glasgow preses.

Compeared Mr. John Currie, minister at Old Munkland, Mr. Robert Muire, minister at Killbride, and they qualified by takeing, swearing and subscribeing the oath of allegiance to her Majesty Queen Ann, and oath of abjuration, conform to the directions of the foresaid Act of Parliament.

The said day compeared Mr. John Stirling, Principall of the University of Glasgow, and Mr. John Simpson, Professor of Divinity there, and took the Instrument under-written, whilk the said Justices of the Peace ordained to be recorded in the Register of their proceeding, whereof the tenor follows: Att Glasgow, the first day of November J^mvii^c and twelve years, *Anno Regni Annae reginae undecimo*. The which day, in presence of me, nottar publick, subscribeing, and wittnesses after named, compeared Mr. John Stirling, Principall of the University of Glasgow, and Mr. John Simpson, Professor of Divinity there, and in presence of Robert Rodger, Provost of Glasgow, Coline Campbell of Blythwood, and Daniel Campbell of Shawfield, three of the Justices of the Peace for the shire of Lanark and district of Glasgow, who were mett by vertue of ane Act and ordinance of the Quarter Session of the Justices of the Peace for the shire of Lanark, dated at Lanark the twenty eight of October last, continuering their Court and Quarter Sessions to the several district offices in the said shire from day to day to this present day inclusive, and ordaining the Justices of the Peace in each of their saids districts, from time to time within the said space, to administer the oath of allegiance to her Majesty Queen Ann and oath of abjuration to such ministers of the Established Church of Scotland and others as should compear before them, in manner at length specified in the said Act. The said Mr. John Stirling and Mr. John Simpson produced before the saids Justices, mett as said

is, the Declaration here insert, whereof the tenor follows : We, Mr. John Stirling, Principall of the University of Glasgow, and Mr. John Simpson, Professor of Divinity there, being clear and willing to take the oaths of allegiance and abjuration, now injoynd to the ministers of the Established Church of Scotland, as several of the ministers of this shire have already done ; but her Majesty's advocat, haveing given his opinion that we are not obleidged, by the law enjoining the saids oaths, to take them on the account of our occasionall preaching or sitting in Church Judicatories—haveing neither churches nor benefices as ministers—do therefore protest that our not appearing at Lanark or Glasgow before yow, the honourable Justices of the Peace, to take the saids oaths, may not be looked on as contempt of the law or disaffection to the Queen or Protestant succession, and that our occasionall preaching and sitting in Judicatories may not infer our being lyable to the penalties the ministers of the Established Church are subjected—seeing we conceive our selves not comprehended in the Act injoyning the saids oaths ; and that we do declare our selves willing to take the saids oaths so soon as we shall be found obleidged thereto, by any judges competent. In testimony whereof wee have subscribed these presents at Glasgow, the first of November Jm^{viii} and twelve. *Sic subscribitur*, JO. STIRLING, J. SIMPSON. And—after producing and reading of which Declaration—in presence of the saids Justices as said is, the saids Mr. John Stirling and Mr. John Simpson asked and took instruments in the hands of me, the said nottar publick, subscribeing. These things were done betwixt the hours of four and five in the afternoon : place, day, month, year of God and Queens reign, respective, foresaid, in presence of John McMeekan, servitor to James McBride, town clerk of Glasgow, and James Miller, one of the town officers of the said burgh, witnesses to the premisses, called and required. *Sic subscribitur* : Ita est JOANNES McGILCHRIST, notarius publicus, in premissis requisitis omnia premissa esse vera attestor, subtus meis signo et subscriptione manualibus.

JO. McMEKINE, *witnes*.

Lanark, 3rd March 1713, being a Quarter Session.

Sederunt—Sir William Meinzie of Gledstains, Captain Walter Lockhart of Kirktown, John Russell, eldest baillie of Lanark,

The saids Justices elects the said Sir William Meinzie preses.

The Rolls of the constables were called and the absents excused.

Lanark, 5th May 1713, being a Quarter Session.

Sederunt—Sir William Meinzie of Gledstains, Captain Walter Lockhart of Kirktown, John Russell, eldest baillie of Lanark.

The saids Justices of the Peace elects the said Sir William Meinzie preses.

The Rolls of the constables were called and nomination made of constables to serve to the last Twesday of October nixt.

The said day the overseers, appointed for mending and repairing of highways within the bounds of the said shire, were all called, conform to the Rolls thereof mentioned formerly for the year J^mvii^c and twelve; and report was made by the said Sir William Meinzie, preses, in name of the overseers for the district of Biggar, that the highways within the said district were all repaired and made sufficient.

Report was also made by the overseers within the paroches of Lanark, Carstairs, Carnwath, Crawfordjohn, Robertown, Wistown, Pettinain, Carmichaell, Douglas, Lesmahagow, Avandale, Stonehouse, Cambusnethan, that the highways within the respective paroches were repaired and made sufficient to the utmost of their power; and the overseers in the hail other paroches within the said shire were all called and absent, and a smal fine put upon them conditionally that they should not be subject in payment thereof if they honestly discharged their office in mending and repairing of the highways within their bounds for this current year. And the saids Justices of the Peace re-

comended to the hail overseers within the respective paroches of the said shire to be dilligent to cause mend and repair the saids highways within their respective bounds for this current year J^mvii^c and thirteen, and to report the samine to the saids Justices of the Peace in their Quarter Session, to be held upon the first Twesday of May J^mvii^c and fourteen years.

Lanark, 4 August 1713, being a Quarter Session.

Sederunt—Captain Walter Lockhart of Kirktown, John Russell, eldest magistrat of the burgh of Lanark.

The Rolls of the constables were called *in communi forma*.

Lanark, 10th September 1713.

Sederunt—Captain Walter Lockhart of Kirktown, John Russell, eldest magistrat of Lanark.

Compeared Alexander Wilson, writer in Lanark, and qualified by swearing and subscribeing the oath of abjuration to her Majesty Queen Ann, conform to the Directions of the foresaid Act of Parliament *Anno regni Annae Reginae Sexto*, in these capacities, viz. as nottar publick and town clerk of Lanark and clerk to the Dean of Gild and Trades thereof and clerk to the regalities of Bradwood and Carstairs.

James Moody, litster in Lanark, compeared and qualified as deacon conveener and counselour in Lanark. James Aiken, glover there, compeared and qualified as deacon of that trade.

Lanark, 15th September 1713.

Sederunt—Captain Walter Lockhart of Kirktown, John Russell, eldest magistrat of Lanark.

The said John Russell qualified as eldest baillie and councilor of the said burgh of Lanark.

James Weir, merchant there, qualified as youngest baillie and counselour.

William Inglis, chyrurgeon in Lanark, qualified as Dean of Gild of the said burgh and counselour. Bernard Bell, shoemaker there, qualified as counselour. Mr. John Young, merchant there, qualified as counselour. John

Kerr, in the Wid[e] Closs there, qualified as counsellour. Walter Carmichael, there, qualified as counsellour. James Orr, masson there, qualified as counsellour. Mathew Orr, litster there, qualified as counsellour: All of them by swearing and subscribeing the foresaid oath of abjuration to her Majesty Queen Ann conform to the Directions of the foresaid Act of Parliament.

Lanark, 27 October 1713, being a Quarter Session.

Sederunt—Sir William Meinzie of Gledstains, Coulterallers, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The saids Justices of the Peace elected the said Sir William Meinzie preses.

The Rolls of the constables were called and a new nomination made to serve till May nixt.

Lanark, 4 May 1714, being a General Meeting and Quarter Session.

Sederunt—Sir William Meinzie of Gledstains, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The said Justices of Peace present elected the said Sir William Meinzie preses.

Sir James Hamilton of Rosehall, Barronet, excused for his absence, being a Member of Parliament.

Letters of excuse from Castlemilk, Raploch and Coulterallers—all read and admitted.

The Rolls of the constables were called and a nomination made of new constables, to serve till October nixt, conform to the Rolls of constables.

Lanark, 3rd August 1714, being a Quarter Session.

Sederunt—Major Gavin Hamilton of Raploch, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The said Justices of the Peace present elected the said Major Gavin Hamilton of Raploch preses.

The Rolls of the constables were called *in communi forma*,

Follows the tenor of letter direct by Mr. John Carnagie, solicitor, after the demise of her Majesty Queen Ann of blessed memory, to the clerk of the Peace for the shire of Lanark, for convening of the Justices of the Peace of the said shire to take the oaths to his present Majesty King George. Which is as follows :—

EDINBURGH, 18 *August* 1714.

SIR,—I have herewith sent you a Write of Dedimus or commission issued by command of the Lords Justices for his Majesties service to administer the oath of office and other oaths specefied in the Schedule thereto annexed to all the Justices of the Peace for the shire of Lanark who are appointed or named Justices in the last commission.

Yow are ordered furthwith to give notice thereof to the Justices that they may, with the first oportunity, take the said oaths according to the Act made in the sixth year of her late Majesties reign, intituled: Ane Act for the security of her Majesties person and government, and of the succession of the Crown of Great Brittain in the Protestant line ; and according to the tenor of the Proclamation, issued the fifth day of this instant August, requiring all persons in office to proceed in the execution of their respective offices.

Any one of the Commissioners to whom the Write is directed may administer the oaths.

I have sent yow for your further direction a copy of all the oaths, other than the oath of office which is annexed to the Write, appointed to be taken by the Justices of the Peace and other persons, continued in office by the Act abovementioned.

I am desired to acquaint yow that yow do not presume to demand or take any fee or reward whatsoever from any of the Justices on account of the said Write of Dedimus or commission, or for swearing them, in pursuance thereof.

You are also directed to return the said Write of Dedimus or commission into the Crown Office, with a schedule thereto to be by yow annexed, of the names of such Justices as shall be sworn in pursuance of this Write of

Dedimus or commission, before the first day of the next term.

I am, Sir, Your very Humble Servant,
Sic subscribitur, JOHN CARNEGIE.

Follows a postscript : I am desired likeways to require yow to send a duplicat of the schedule yow return into the Crown Office, to the Solicitor to the Exchequer here, being thought necessary for his Majesties service.

Directed thus : To the Clerk of the Peace for the Shire of Lanark.

Conform to which letter and Write of Dedimus and proclamation foresaid, the said James Carmichaell, clerk to the said Justices of the Peace for the said shire of Lanark, wrote circular letters to the hail Justices of the Peace for the said shire, contained in the last commission, to meet and convene to the effect above and aftermentioned, viz.:—Att Glasgow, the first day of September J^mvii^c and fourteen years, then convened—Sir William Stewart of Castlemilk, Barronet, John Aird, present Provost of Glasgow, Collon Campbell of Blythswood, Daniel Campbell of Shawfield.

And the said James Carmichaell, clerk to the said Justices of the Peace, present with them; and then and there the saids Justices of the Peace qualified and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy, abjuration and oath of office, and subscribed the samine with the assurance; and also the said James Carmichaell, clerk foresaid, did qualify and did take and swear the said oath of allegiance to his Majesty King George, and also the saids oaths of supremacy and abjuration, and subscribed the samine with the assurance and gave his oath *de fidei administratione in communi forma*. The said oaths being first administrat by the said clerk to the said Sir William Stewart, one of the Justices of the Peace contained in the foresaid Write of Dedimus, and then by him to the said clerk, and thereafter by the said Sir William Stewart to the other Justices of the Peace abovenamed.

Att Lanark, the seventh day of the said monthe of September J^mvii^c and fourteen years.

Then conveened Sir James Hamilton of Rosehall, Barronet, Sir William Meinzie of Gledstains, Major Gavin Hamilton of Raploch, Mr. Alexander Meinzie of Coulterallars, advocat, William Inglis, eldest magistrat of the burgh of Lanark, and the said James Carmichaell, clerk, present with them.

And then and there the said Justices of the Peace qualified and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy, abjuration and oath of office, and subscribed the samine with the assurance. The saids oaths being first administrat by the clerk of Court to the said Sir William Meinzie, one of the Justices of the Peace contained in the foresaid Write of Dedimus, and thereafter by the said Sir William Meinzie to the other Justices of the Peace abovenamed.

Compeared William Hamilton, Lieutenant of the Earle of Hyndfords Dragouns, who qualified himself in that station and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration, and subscribed the samine with the assurance.

Lanark, 26 October 1714, being a Quarter Session.

Sederunt—Mr. Alexander Meinzie of Coulterallars, advocat, Captain Walter Lockhart of Kirktown, William Inglis, eldest magistrat of the burgh of Lanark.

The saids Justices of the Peace present elected the said Captain Walter Lockhart of Kirktown preses.

Excuses made for Gladstains, Raploch and Castlemilk.

Compeared the several persons afternamed and designed, who, in the several capacities and in publick trust after-specified, did take, swear and subscribe the oath of abjuration to his Majesty King George, viz. :—

Mr. Archibald Hamilton of Dalserff, advocat, who qualified as Sheriff-deput of Lanark, baillie of the regality of Hamilton, and as Commissar of Hamilton and Campsie ;

Mr. David Crawford of Allantown, Secretary to her Grace the Dutches of Hamilton, who qualified as nottar publick and as clerk to the admission of nottars ; John Robertown, Sherriff-clerk of Lanark, who qualified as baillie deput of the regality of Hamilton, and as Sherriff-clerk of Lanark and as nottar publick ; William Weir of Sunnieside, who qualified as Sherriff-substitute of the Nether Ward of the shire of Lanark, as keeper of the Register of Seasines for the said shire, as clerk to the regality of Hamilton, as nottar publick, and as one of the baillies of Hamilton ; John Hamilton of Fairholm, qualified as pror. fiscal of the court of the Netherward of the shire of Lanark and regality court of Hamilton, and as nottar publick, etc. ; William Cullen of Saughs, writer in Hamilton, qualified as nottar publick and as pror. before the Sheriff Courts of Lanark and regality of Hamilton ; Patrick Cockburn, messenger at Hamilton, qualified as messenger ; Mr. John Meinzie, writer in Lanark, qualified as nottar publick and as messenger ; James Tutop, writer at Shotts, qualified as nottar publick ; John Porterfield, in Hamilton, qualified as under-keeper of his Majesties Pallace of Holyroodhouse ; James Wilson, writer in Lanark, qualified as nottar publick and pror. before the Inferior Courts ; John Hamilton, clerk of Avandale and Lesmahagow, qualified as clerk foresaid and as nottar publick ; John Gordon, writer in Hamilton, qualified as messenger ; Alexander Wilson, town clerk of Lanark, qualified as town clerk and as clerk to the gildrie and trades of Lanark and as clerk to the regalities of Carstairs and Bradwood ; Robert Leeper, messenger in Strathaven, qualified as messenger and nottar publick ; James Aikman, writer in Lanark, qualified as messenger ; James Clyde, writer in Lanark, qualified as messenger ; James Carmichaell, commissar clerk of Lanark, qualified as such, and as Sheriff-clerk deput of the Overward of the sherriffdom of Lanark ; William Kennedy, cornet in the Honourable Lieutennant General Eccles's regiament of Dragouns ; David Marchall, late Chyrurgeon of one of his Majesties ships of warr, who qualified as such and did take and swear the oath of allegiance to his Majesty King

George, and als the oaths of supremacy and abjuration, and subscribed the same with the assurance.

Lanark, 2^d November 1714, being a continued Court of the last Quarter Sessions.

Baillie Inglis, Justice of Peace, present, compeared Cornet George Blair in Lanark, and qualified as baillie of the barony and bailliarie of Lesmahagow; John Howison, clerk of Douglas, who qualified as clerk to the regalities of Douglas and Crawford John and as nottar publick; James Inglis, writer in Douglas, compeared and qualified as nottar publick and pror. before the Inferior Courts.

Lanark, 19 Aprile 1715.

Sederunt—Coulterallars, Bailie Inglis.

Compeared Robert Rolland, excise officer at Lanark, and Mungo Aiken, excise officer at Douglas, and qualified by takeing and swearing the oaths appointed by law to be taken by them in that capacity and subscribeing the same with the assurance; and also did swear and subscribe the oath of office of ane exciseman.

Att Hamilton, the twenty eight day of May J^mvii^c and fifteen years.

The whilk day the said James Carmichaell, clerk to the Justices of the Peace for the said shire of Lanark, represented that he had received from the Sheriff of Lanark and his depute a new commission of the Peace for the said shire, issued furth under the Great Seall of Great Brittain, dated the sixteenth day of March, *anno primo regni Georgii Regis*, wherein¹ are named and designed to be Justices of the Peace for the said shire, together with a Write of Dedimus relative hereto, direct to Gavin Hamilton of Raploch, for receiveing of the oaths of himself and others named to be Justices of Peace in the said commission; and the said

¹ Space of nearly a page of Minute Book is here left blank, probably for names of Commissioners.

clerk further represented that he had written circular letters to the said Justices of Peace named in the said commission, conform to directions given him to meet this day and place, in order to accept of the said commission and qualify as the law directs. And accordingly the Justices of the Peace after named and designed in the said new commission compeared and qualified as follows, viz. :— Charles Earle of Selkirk, John, Earle of Rutherglen, Sir George Weir of Blackwood, Barronet, Gavin Hamilton of Raploch, John Robertown of Earnock, James Hamilton of Dalryell, Mr. Archibald Hamilton of Dalserff, advocat, Allan Lockhart of Cleghorn, David Crawford of Allantown, Gilbert Kennedy of Auchtifardell, Andrew Hay of Craignethan, Archibald Hamilton of Westburn, Archibald Nisbet of Carphin, William Hamilton of Overtown, John Muirhead, younger, of Bradisholm, John Stark of Garsherie, William Somervell of Kennoek, Andrew Leetch, Provost of Rutherglen.

The saids persons, Justices of the Peace above named, present as said is, qualified and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and the oath of office annexed to the said Write of Dedimus; and subscribed the samine with the assurance. And also the said James Carmichaell, clerk foresaid, qualified and did take and swear the said oath of allegiance to his Majesty King George, and also the saids oaths of supremacy and abjuration, and subscribed the samine with the assurance and gave his oath *de fidei administratione in communi forma*: the saids oaths being first administrat be the said James Carmichaell, clerk foresaid, to the said Gavin Hamilton of Raploch, to whom the foresaid Write of Dedimus is directed; and thereafter by him to the said clerk, and thereafter by the said Gavin Hamilton to the other Justices of the Peace above named. And afterwards the said Justices of Peace, qualified as said is, haveing turned themselves into a Court of the Justices of the Peace of the said shire, and haveing put it to the vote who should be preses, it was carried *una voce* that the said Earle of Selkirk should be

preses ; and accordingly they elected his Lordship preses in the said meeting.

And thereafter, haveing put it to the vote who should be clerk of the Peace for the said shire, the said Justices of the Peace *una voce* continued, and elected and choised the said James Carmichaell, writer in Lanark, to be their clerk dureing their pleasure, and with power to creat deputs.

The said day the said clerk haveing represented to the said Justices of the Peace that the constables within the several paroches are not settled, because the nine months after the Queens Majesties death are expired, the said Justices of the Peace appoints the constables serveing for the last half year to continue for this current half year, and ordained the clerk to cause make intimation thereof at the several church doors, with all conveniency, as the Minutes of that days sederunt, duely subscribed by the said Earle of Selkirk, preses foresaid, bears.

At Walkmilne of Raploch, the fourth day of June
J^mvii^c and fifteen years.

Compeared Sir James Hamilton of Rosehall, Barronet, and qualified as Justice of Peace for the said shire of Lanark, and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office, and subscribed the samine with the assurance : the saids oaths being administrat to him by the said Gavin Hamilton of Raploch, to whom the foresaid Write of Dedimus is directed, as the Minutes thereof subscribed by Raploch bears.

Att Glasgow, the eight day of June J^mvii^c and
fifteen years.

There compeared the persons afternamed, and qualified as Justices of the Peace in the said shire, viz. :—John Aird, Provost of Glasgow, Lawrence Crawford of Jordanhill, Colline Campbell of Blythswood, [] Walkingshaw of Borrowfield, [] Hamilton, younger, of Aikenhead, John Corbet of Towcorse, Alexander Stewart of Torrence.

And the saids Justices of the Peace did take and swear the oath of allegiance to his Majesty King George, and also the said oaths of supremacy and abjuration and oath of office, and subscribed the same with the assurance; the said oaths being administrat to them by the said Gavin Hamilton of Raploch, to whom the foresaid Write of Dedimus is directed, as the Minutes thereof, signed by him, bears.

Att Lanark, the second day of August J^mvii^c and fifteen years, being a General Meeting and Quarter Session of the Justices of the Peace for the shire of Lanark.

Sederunt—Allan Lockhart of Cleghorn, Gilbert Kennedy of Auchtifardell, who preseed in the said Quarter Session.

Compeared William Inglis, eldest magistrat of the burgh of Lanark, and craved to be qualified as he who represents the said burgh to be Justice of Peace, by vertue of the foresaid late commission, dated the sixteenth day of March last by past; William Lockhart of Waygateshaw, one of the Justices of the Peace, named in the said new commission, compeared also and craved to be qualified in the terms of law.

The saids Justices of Peace administrat the said oaths to the saids William Inglis and William Lockhart, as Justices of Peace foresaid, and each of them did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office, and subscribed the same with the assurance, and thereafter the saids William Lockhart and William Inglis took place in the said Quarter Session as Justices of Peace.

Cornet George Blair in Lanark compeared and produced his commission to be Sheriff-Substitute for the Overward of the Sherriffdom of Lanark, and craved to be qualified as such, which was accordingly done; and he did take and swear the oath of allegiance to his Majesty King George, with the oath of abjuration, and subscribed the same with the assurance.

The Rolls of the constables were called for the whole shire *in communi forma*.

The Act of Parliament, made in the first year of the reign of his Majesty, intituled: Ane Act for preventing Tumults and Riotous Assemblies and for the more speedy and ready punishing the Rioters, was read in face of open Sessions, and thereafter the saids Justices of the Peace recomended to the constables in every paroch to take care of the preservation of his Majesties peace, as is directed by law, and to give account at the nixt Sessions of what breatches may happen to be made thereof, as the Minutes of that days sederunt subscribed by the said preses bears.

Att Lanark, the twenty-fifth day of October 1715,
being a General Meeting and Quarter Session.

Sederunt—Sir George Weir of Blackwood, Barronet,
William Inglis, eldest magistrat of the burgh of Lanark.

The said Justices of Peace adjourns their said Quarter Session to this day fifteen days, and appoints the hail constables to attend at Lanark that day; and ordains the old constables to summond the new constables that are to succeed them, to the effect they may be received that day.

Att Glasgow, the twenty eight day of November
1715, being a General Session of the Justices of
the Peace for the shire of Lanark.

Sederunt—Major Gavin Hamilton of Raploch, Colline Campbell of Blythswood, John Bowman, Provost of Glasgow, [] Muirhead, younger of Bradisholm, William Hamilton of Overtown, [] Provost of Rutherglen, Daniel Campbell of Shawfield.

The said Justices of the Peace present elected the said John Bowman, Provost of Glasgow, to be preses in the said General Session.

The saids Justices of the Peace above named, and each of them, did take and swear the oath of allegiance to his Majesty King George, and the oaths of supremacy and abjuration, and subscribed the samen with the assurance.

Compeared likeways the persons afternamed and designed, who qualified in the capacities after specified, and did take and swear the saids oaths and subseribe the same with the assurance, as the law directis, viz. :—John Muire, controller of Portglasgow; James Bogle, baillie of the regality of Crawfordjohn and bailliary of Crawford, and nottar publick; William Miller, nottar publick and pror. before the Courts at Glasgow; John Wilson, commissar deput of Glasgow; John Stevenson, commissar clerk of Glasgow; George Maxwell, colleector at Glasgow; John Stirling, clerk to the regality of Glasgow; John Simm, writer in Glasgow; Thomas Naper, survayer at Glasgow; James Kello, writer in Glasgow and nottar publick and pror.; Mr. Gavin Muire of Halleraig, captain of militia; Mr. Robert Simpson, professor of mathematieks; James Parker, boatman at Port Glasgow; George Rollands, boatman there; William Semple, weighter there; John Muire, tydsman in Greenock; John Campbell, land earriage waiter at Glasgow; Duncan McCardie, land earriage waiter at Glasgow; James Muirhead, land earriage waiter there; William Pringle, land earriage waiter there; John Simpson, armourer in Glasgow to his Majesty King George; John McGilkrist, writer in Glasgow, nottar publick; John Robertson, writer there, nottar publick.

The saids Justices of the Peace adjourned their said Generall Session till the morrow, being the twenty ninth instant, as the Minutes thereof signed by the said preses bears.

Att Glasgow, the twenty-ninth day of November
1715 years, being a Second Dyet of the said
General Session.

Sederunt—John Bowman, Provost of Glasgow, Colline Campbell of Blythswood, Bradisholm, younger.

The said Justices of the Peace elected the said Provost of Glasgow preses.

Lawrance Crawford of Jordan Hill as Justice of the Peace, James Hamilton of Aikenhead as Justice of Peace, George Muirhead of Whiteastle as Justice of Peace and

one of the captains of militia, William Brown of Lindsie-lands as Justice of Peace and one of the captains of militia, compeared and qualified in these capacities, and did take and swear the oath of allegiance to his Majesty King George, and the oaths of supremacy, abjuration, and oath of office as Justices of Peace, and subscribed the samine with the assurance.

The said day the persons afternamed compeared and qualified in the several capacities underwritten, as is required by law, viz. :—Mathew Brown, writer in Edinburgh, for the several parts of his practise ; John Mure, writer, and clerk to the Register of Seasines at Glasgow ; Thomas Orr, writer in Glasgow ; John Penman, writer there ; John Leech, writer there ; Robert Sprout, writer there ; Mr. Ninian Anderson, writer there ; Lodowick Stewart, writer there ; James Sheelds, writer there ; Thomas Falconer, writer there ; George Lawer, messenger, and writer there ; Cuthbert Stuart, writer there ; Hendry Wardrope, writer there ; Robert Buchannan, writer there ; James Miller, writer there ; James Fogo, writer there ; Mr. John Simpson, professor of divinity and minister of the Gospell ; Mr. Gershom Carmichaell, professor of philosophy ; Mr. James Paterson of Woodside, one of the captains of militia ; Mathew M^cCun, messenger ; Charles Stuart, Admiral substitute to the West Seas, baillie substitute of the regality of Glasgow, nottar publick and pror. to the Inferior Courts ; James Stuart, officer of excise at Hamilton ; James Scot, officer of the outrideing of Hamilton excise ; Hendry Bowridge, officer of excise at Glasgow ; Thomas M^cantosh, messenger.

It being reported to the Justices of the Peace assembled, by Mr. John Simpson, professor of divinity of the Colledge of Glasgow, that Mr. Andrew Ross, professor of humanity of the Colledge of Glasgow, is unable, for the time, to come to the tolbooth of Glasgow to qualify in the terms of law, therefore the Justices of the Peace commissionats James Hamilton, younger of Aikenhead, and John Muirhead, younger of Braidesholm, two of their number—with the clerk of the Peace—to go to Mr. Rosses lodgeing and there

to administrat the oaths to him, and to take and receive his subscription thereto, and to his assurance, and to report tomorrow against eleven of the clock in the forenoon ; and adjourns the meeting to the said time.

At Glasgow, the thertieth of November 1715, being
a Third Dyet of the said General Session.

Sederunt—John Bowman, Provost of Glasgow, John Muirhead of Bradisholm, James Hamilton of Aikenhead.

The said Trustees of the Peace present elected the said Provost of Glasgow preses.

Braidesholm and Aikenhead reported that they had administrat the oaths to the said Mr. Andrew Ross, in terms of the forsaid Act.

The said day the persons afternamed compeared and qualified in the several capacities underwritten, viz. :—George Stirling, fiscal to the commissariot of Glasgow ; John Chapman, commissar clerk of Hamilton and Campsie and pror. in Glasgow ; Archibald Jardine, gadger in Strathaven ; James Scot, writer in Glasgow and nottar publick ; James Allan, writer in Glasgow and nottar publick ; Robert Bertram, writer and nottar publick ; Gavin Maxwell, messenger ; Colline Thomson, messenger ; Walter Buchannan, writer and nottar publick, clerk of the regality of Lennox and Mentrose and Admiralty of the West Seas ; Mr. William Brisban, doctor of the Gramar School ; Sir James Carmichael of Bonietown, Barronet, [and] Sir James Lockhart of Carstairs, Barronet, as Justices of the Peace and deput leewtennants for the shire of Lanark ; William Bryce, writer in Glasgow ; Mathew Cummine, session clerk of Glasgow ; Mr. Andrew Lyle, one of the doctors of the Gramar School of Glasgow ; Robert Smith, messenger ; David Marchell, late chyrurgeon of one of his Majesties ships of warr.

The Justices of the Peace adjourns their Sessions to Thursday, being the first day of December nixt to come, as ane Minute made thereupon, signed by the said preses, bears.

Att Glasgow, the first day of December 1715, being a Fourth Dyet of the General Session.

Sederunt—The Provost of Glasgow, Raploch, Aikenhead younger, Braidesholm, Whitcastle, Lyndsilands.

The saids Justices of Peace present elected the said Provost of Glasgow to be preses.

Compeared the persons afternamed, and qualified in the capacities underwritten, viz :—Mr. James Clark, minister of the Gospell at Glasgow ; Mr. John Gray, minister of the Gospel there ; Mr. John Scot, minister of the Gospell there ; Mr. John Hamilton, minister of the Gospel there ; Mr. George Campbell, minister of the Gospell there ; Mr. David Ervine, minister of the Gospel at Calder ; Mr. William Hamilton, minister of the Gospell at Bothwell ; Mr. Robert Hunter, schoolmaster at Gorbles ; Hugh Crawford, writer in Glasgow, nottar publick, as ane Minute made thereupon, signed by the said preses, bears.

Att Lanark, the sixth day of March J^mvii^c and sixteen years, being a General Meeting Quarter Session.

Sederunt—Allan Lockhart of Cleghorn, Gilbert Kennedy of Auchtifardell, William Inglis, eldest magistrat of Lanark.

The saids Justices of Peace present elected the said Allan Lockhart of Cleghorn to be preses.

William Somervell of Corehouse compeared and qualified as a Justice of the Peace and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office, and subscribed the same with the assurance.

David Burnett, excise officer at Carnwath, compeared and qualified and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office of ane excise man.

The Rolls of the constables being called, *in communi forma*, the said Justices of the Peace, convened for the time, considering the troubles that has lately happened in this kingdom, the Justice of Peace Courts has not been

so frequently and orderly kept as became, and as the law requires on that behalf: Therefore the saids Justices of the Peace convened for the time excuses the constables marked absent from this Quarter Session; but that constables of good and honest men may be settled in every paroch for the future, from time to time, the saids Justices of the Peace recommends to the Justices of the Peace in every district of the said shire, to keep and hold a court in every such district, at least fourteen days before the first Tuesday of May next to come, and then and there to enquire what constables are in every paroch, and how they have discharged the duties of their offices in time past, and to cause make nomination of such as shall serve in every paroch within their saids districts, from the said first Tuesday of May next, for the subsequent term, and to report the same to the saids Justices of the Peace in the next Quarter Sessions.

The said day Alexander Boide, indweller in Hamilton, upon a letter of nomination made by the Laird of Dalrymple, was admitted constable, who gave his oath *de fidei in communi forma*.

At Lanark, the first day of May J^mviii^c and sixteen years, being a Quarter Session.

Sederunt—Allan Lockhart of Cleghorn, William Somervell of Corehouse, James Hamilton of Dalrymple, Gilbert Kennedy of Auchinfardell, Archibald Nisbet of Carphill, William Hamilton of Overtown, George Muirhead of Whitcastle, William Brown of Lindsaylands, the eldest magistrat of Lanark.

The saids Justices of the Peace present elected the said William Somervell of Corehouse to be preses.

A letter from Blythswood, as one of the Justices of the Peace for the shire of Renfrew, representing to the Justices of the Peace for this shire that the Justices of the Peace for the shire of Renfrew have taken to consideration the Acts of Parliament relative to the making of linnen, and therefore desiring the Justices of this shire also to take the same under their consideration, that the Justices of

both shires and other adjacent shires may have a communication and concurrence to make the saids laws effectual, from and after September nixt to come; the saids Justices of the Peace, pursuand to the desire of the above letter, takes the matter, above represented, to consideration, and appoints overtours to be made thereanent against the nixt Quarter Sessions, and this without any lett to any of the said Justices of the Peace to put these laws in execution, conform to the directions thereof.

The saids Allan Lockhart of Cleghorn, James Hamilton of Dalyell, Archibald Nisbet of Carphin, qualified as Justices of the Peace, and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy, abjuration, and oath of office, and subscribed the samine, with the assurance.

Compeared the persons afternamed and qualified in the capacities underwritten, viz.:—Cornet George Blair in Lanark, Sherriff-substitute for the Overward of Lanarkshire and baillie of Lesmahagow; John Roberton, Sherriff-clerk of Lanarkshire, and qualified as such and as baillie deput of the regality of Hamilton, nottar publick and writer; John Hamilton of Fairholm, qualified as pror. fiscal of the Netherward of the shire of Lanark and pror. fiscal of the regality of Hamilton, and as writer; William Cullan of Saughs, qualified as nottar publick and writer and pror. before the Sherriff and Regality Courts at Hamilton; Patrick Cockburn, writer in Hamilton, qualified as messenger and writer; Robert Leeper, writer in Strathhaven, qualified as nottar messenger and writer, as the Minutes of the said Quarter Session, signed by the said preses, bears.

The Rolls of the constables were called and nomination made of new constables *in communi forma* as the [sentence left incomplete].

Att Lanark, the seventh day of August J^mvii^c and sixteen years, being a Quarter Session.

Sederunt—William Somervell of Lennox, Allan Lockhart of Cleghorn, Alexander Stewart of Torrence, elder, James

Hamilton of Aikenhead, Archibald Hamilton of Westburn, James Hamilton of Dalzell, John Robertown of Earnock, William Brown of Lindsaylands, Gilbert Kennedy of Auchtifardell, William Somervell of Corehouse, William Inglis, eldest magistrat of Lanark.

The said Justices of Peace present elected the said James Hamilton of Dalzell preses.

John McQueen, writer in Lanark, compeared and qualified as baillie deput of Crawford and Crawfordjohn, and as pror. fiscall to the commissariot of Lanark, and as pror. before the Sherriff and Town Courts of Lanark.

The Rolls of the constables were called *in communi forma*.

The saids Justices of the Peace, convened as said is, ordains the Acts and Orders made anent masters and servants fees and workmen and craftsmens wages to be transcribed and printed with the alterations made therein, and appointed the same to be published yearly upon the first Sabath of September and March at the respective paroch church doors within the said shire, whereof the tenor follows :—

Acts and Orders of Her Majesties Commissioners and Justices of the Peace for the Shire of Lanark, made in their General Meeting and Quarter Sessions, regulating the time and manner of Hireing of Domestick Servants, and also regulating Domestick Servants fees, Workmen and Harvest Shearers, and Craftsmens wages, etc.

Lanark, Twesday, seventh August one thousand seven hundred and sixteen, being a General Meeting and Quarter Session of the said Justices.

The said Commissioners and Justices of the Peace for the said shire of Lanark, assembled for the time in pursuance of their instructions concerning the time and manner of hiring domestick servants, and concerning the ordinary hire, wages, and fees of workmen, labourers and servants, and the pryces of craftsmens work—haveing seriously advised and considered the same, do therefore order and appoint the said time and manner of hiring

domestick servants; the said hire, wages and prices in manner following, viz. :—

The time and manner limited for hireing domestick servants: (1st) That no master hire domestick servants, male or female, for ordinary household service or labour in husbandry, within or without houses, as well in town as in landwart, within the shire of Lanark; nor no servant be hired for yearly or termly service in time comeing untill within fourty days of the term of their entery to the said yearly or termly service, certifieing the contraveener hereof, either masters or servants, that they shall be lyable in a fine of one term or years fee—as they were fied—conform to the Regulations afterspeceified; and shall be further proceeded against by corporal or pecunial punishment, or other ways as appertaineth, at the discretion of the Justices; and the said feeing is hereby declared to be null.

(ii) That no servant, male or female, make their departure furth of their masters service in time comeing (except upon a reasonable cause, instructed to any one Justice of Peace, and under his hand), unless he or she acquaint their said master of their departure, fourty days preceeding the term of their flitting, certifieing the servant or servants contraveeners hereof that they shall be obleidged to continue with their said master for the subsequent year or term, conform to the former feeing, and for the like fee as for the former year or term; and in case the servant shall become insolvent and behave themselves unbecomeing and shall not pay faithfull service to his or her master, and this being instructed to any one Justice of the Peace, and under his hand, the servant shall be compelled thereto, and if need beis, shall be imprisoned, while he or she find caution for their good behaveour and fidelity durence their service, and for payment of their masters damage and expenses sustained through their misbehaviours, and shall be lyable to a fine of a term or years fee as they were fied, according to the saids Regulations, and shall be further censured as appertaineth.

(iii) Item, in case any servant shall be subject to double feeing with two or moe servants, for one and the same

year or terms service, the master [who was] first legal hirer shall have the servant, and the second or moe legal hirers, and ilk ane of them, shall have the equivalent of the fee promised by them, to be paid to them by the servant ; or shall have liberty to pursue for his damnages as accords, in the option of the master, and the servant contraveener hereof shall be lyable to a fine of a term or years fee, as they were fied, according to the saids Regulaties, and shall be further censured by the Justices, as appertaineth, providing allways the second, third, or other hirer be ignorant of the servants being formerly hired.

(iv) Item, That no servant, male or female, serveing in the countrey with labourers of the ground, hire themselves for the summer half year—reserveing themselves the harvest, to be hired with others, either for fee or dayly wages ; but shall continue and hire themselves for the whole half year, with one and the same master, and the contraveeners hercof to be lyable to a fine of a terms fee, according to the saids regulations ; and shall be further punished as the Justices of the Peace shall think fitt.

(v) Item, That no master fee another mans servant without his testimonial from their master, under the penalty of a terms fee, according to the saids Regulations.

(vi) Item, That no servant make his departure from his masters service without a testimonial ; he shall be imprisoned till he procure one, which, if he do not within twenty days after the same is demanded of him, before any one Justice of Peace, he shall be proceeded against as a vagabound, and shall be subject to the like punishment if he be taken with a counterfit testimonial.

(vii) Item, Whereas in time past it hath happened to some domestick servants to marry within the terms for which they are hired with masters, and so leave their masters service, to the great hurt and prejudice of masters, therefore the Justices of Peace, to prevent the same in time comeing, enact and appoint that, in case any domestic servant, man or woman, shall happen to marry within the term for which they are hired with any master, that the said servant, man or woman so marrieing, as said is, not-

withstanding of their marriage, shall continue with and perform dutyfull service to their masters, dureing the time they were hired with them, or furnish a sufficient servant to their master to perform their said service dureing the said space; certifieing the contraveener hereof, man or woman, that they shall be lyable to a fine of a term or years fee, as they are fied, according to the said Regulations, attour the damage sustained by the master.

(viii) Item, Notwithstanding of what care the Justices of Peace have hitherto taken to prevent abuses betwixt masters and servants, yet they continue to perpetratt these abuses, and for the most part servants are already hired with masters, or at least have given promise to them to serve for the ensuing year or half year; notwithstanding of these orders, that no servant should be hired till within fourty days of the term, whereby masters who are willing and desirous to observe these orders are highly prejudged: Therefore the said Justices of Peace hereby enact and appoint that it shall be lawfull to all and every master and mistress within the said shire, at their pleasure, to retain with them for the inshewing half year, viz. from Martimas to Whitsunday nixt, the servants that are now in their service, for payment to them of the fees mentioned in the Regulations afterspecefied; and in case any servant or servants shall neglect or refuse to continue with their said present master for the said ensuing half year, at the said fee, and to perform faithfull and dutyfull service to them, then the said servant so neglecting or refuseing, as said is, upon complaint, shall be committed to prison by any one Justice of Peace untill they find sufficient caution for their good behaviour and fidelity dureing their said service, and for payment of their masters damages and expences, sustained through their misbehaviour, and shall be lyable to a fine of a terms fee according to the saids Regulations.

Domestick Servants fees and Labourers daily wages.

(ix) Item, That a domestick servant, man or woman servant, who is able to perform all manner of work relating

to husbandrie, viz. to plow, sow, stack, drive carts, and lay on loads, etc., he is to have yearly for fee and bounty not above twenty four pound Scots at Whitsunday and Martimas, by equal portions, in full satisfaction of a years service.

(x) Item, A man servant of younger years, commonly called a half lang, being a domestick servant, is to have yearly for fee and bounty not above sixteen pound Scots, to be paid as aforesaid.

(xi) Item, Boys and lads, haveing their meat in the house, are not to have above eight pound Scots for a years service, for fee and bounty, to be paid as aforesaid.

(xii) Item, A strong and sufficient woman servant, for barns, byers, shearing, brewing, baking, washing, and other necessary work within and without the house, is not to have above—for fee and bounty—fourteen pound Scots for a years service, to be paid as aforesaid.

(xiii) Item, A lass, or young maid, is not to have above eight pound Scots for a years service, for fee and bounty, to be paid as aforesaid.

(xiv) Item, The like fees are to be paid to serveing men, women, lads and lasses, respective, who serve such masters as have no labouring land.

(xv) Item, Every Justice of the Peace shall compell any such man or lad, woman or lass, who is able and capable of service and unmarried and furth of service, and whom they think meet to serve, to be hired in service by the year or half-year for the fees abovementioned respective: And if any man, woman, lad or lass shall refuse, they shall be committed to prison untill they be bound to serve as aforesaid.

(xvi) Item, If any master shall promise or pay to any domestick servants, male or female, any greater fee, gift or gratitude for their service over and above the fees above regulat and sett down, that the said master so contraveening shall be lyable to a fine of a terms fee, conform to the said Regulations, and a months imprisonment.

(xvii) Item, If any domestick servant, male or female, shall require or demand or take or receive any greater fee,

gift or gratitude for their service, over and above the fees allotted to them by the foresaid Regulations, the said servant contraveining shall be lyable to a fine of a terms fee and a months imprisonment.

(xviii) Item, That no harvest shearer, man or woman, except such as are hired for the space of a year or half year, viz. from Whitsunday to Martimas together, shall be fied for the whole harvest season, for a sett fee and bounty as formerly, but only upon days wages, and that the above-written rule and method of cutting down, and saveing of corn in harvest season upon daily wages, may be made more effectual, the saids Justices of Peace appoints the burghs and mercat towns after specefied to be places for hireing of shearers within the said shire, viz. Glasgow, Hamilton and Strathaven in the Netherward ; and Lanark, Douglas and Biggar in the Overward of the said shire ; and appoints all hirers of shearers and persons to be hired as shearers to repair to the said burghs and mercat towns, respective, weekly upon Munday and Thursday, as the season of the year and harvest offers.

(xix) Item, That a sufficient man shearer shall have six shilling Scots money, and not above, with meat and drink, for a days shearing.

(xx) Item, A man shearer of younger years, commonly called a half-lang, shall not have above four shilling Scots of wages, with his meat and drink, for a days shearing.

(xxi) Item, A sufficient woman shearer shall not have above five shilling Scots, with meat and drink, for a days shearing.

(xxii) Item, A younger maid or woman shearer shall not have above three shilling Scots of wages, with meat and drink, for a days shearing.

(xxiii) Item, That every Justice of the Peace, upon complaint, shall cause all such artificers and tradesmen, and other persons as be meet for labour, by his discretion, to work by the day in harvest time, for cutting down and saveing of corns, and shall, upon the refusal, imprison them for two days and one night, *toties quoties*.

(xxiv) Item, A tasker, as a thresher of corns of all sorts,

if he be employed to thresh for some weeks or days, shall have the twenty-fifth part of all such corns as he shall happen to thresh, which is commonly called the lott or prooff. But if it be a tasker in a mains, where he gets constant threshing all the winter time, then he is to work and serve in all necessar husband work ; the whole summer and harvest time his wife is to shake the straw, shear in harvest, and work at all manner of work as a kind¹ wife, for which service—beside the lot, which is the twenty-fifth part of what he threshes—he is to have a cot house and a kailyard, a boll of meal in summer, and a cows grass yearly, with meal to himself and his wife for their work in harvest.

(xxv) Item, A common workman or labourer, who works for daily wages, is not to have above six shilling Scots, without meat or drink, and three shilling Scots, with meat and drink, for a days wages.

Artificers and Tradesmens wages.

(xxvi) Item, A mason is not to have above a mark Scots, without meat or drink, and half a mark, with meat and drink, for a days service. Young boys and prentises are to be paid according as their work shall deserve.

(xxvii) Item, A wright is not to have above twelve shillings, without meat and drink, and six shillings, with meat and drink, for a days service.

(xxviii) Item, A barrowman is not to have above six shilling, without meat and drink, and three shilling, without [sic] meat and drink, for a days work.

(xxix) Item, A thacher of houses, who is so designed for his constant trade in that service, is not to have above ten shilling Scots, without meat and drink, and six shilling, with meat and drink, for a days service.

(xxx) Item, A taylour, getting his meat in the house, is not to have above fourty pennies for a days work.

(xxxi) Item, The daily wages to be appointed for craftsmen and labourers in the Articles abovewritten, are under-

¹ suitable, fitting.

stood to be due only from the first of March to the last of September, but betwixt the first of October and the last of Febriwary the said daily wages are to be diminished, respective, in the sixth part, because of the winter season and shortness of the day—except such as work with candle light, in which case they are to have the full wages above exprest.

(xxxii) Item, A plough wright, for makeing of a plough, is not to have above a merk Scots.

(xxxiii) Item, It is ordained that the respective pryces aforesaid, both for craftsmen and servants, shall be in full satisfaction of all bounties, rewards, morning and four hours drinks, sowing of corns, beer, lintseed, or any other thing which formerly has been given to servants or to craftsmen.

(xxxiv) Item, That no master give, nor servant, workman, harvest shearer or craftsmen shall receive, any greater fees, prices or wages than is above exprest, with certification if they shall fail herein, they shall incur the penalty of the equivalent of the fee, pryce or wages so given and received, contrair to the tenor of the several articles above written, *toties quoties*, both master, servant, harvest shearer and craftsmen, and a fourth part thereof respective shall belong to the informer (if any be), and the remainder thereof to be disposed upon by the said Justices of the Peace as they shall think fitt and expedient, attour imprisonment at the discretion of the Justices.

(xxxv) Item, That all masters take notice that if they shall not, from time to time, satisfy and pay their tennants fees and wages, as the same shall become due as they are respectively and particularly abovementioned, upon complaint thereof the said master shall be compelled to pay the said fees, by and attour the damnages (to be modified by two of the Justices of the Peace) sustained by the said servants for the want of their fees and wages, and that summarly without any tedious or long proces of law.

(xxxvi) Item, That whatsoever person assist not the paroch constables in executing their offices shall be imprisoned, and fined in the soume of twenty pound Scots money, and further punished as the Justices shall think fitt.

(xxxvii) Item, That the said Justices shall put to due execution the laws and Acts of Parliament made against idle and solitary men and women and servants tied to no certain service ; and particularly the Act Ja. 1, par. 3, cap. 66, entituled, ' Act that every man that has nought of his own, shall Labour for his Liveing.' Item, the Act Ja. 6th, par. 23, cap. 21, entituled, ' Act anent Servants goeing Loose and Leaveing their Masters' Service,' whereby it is statute and ordained that it shall not be lawfull for any hired servant from Martimas to Whitsunday to leave his master at the said term of Whitsunday and to run loose in that service, except he be able to verify to the Justices of Peace or constable of the bounds that he is hired unto another master from the said feast of Whitsunday to Martimas thereafter. And if it be found that he is not hired unto another master, conform to these present Acts and orders of the Justices of Peace, then and in that case it is declared that it shall be lawfull to his present master to keep and detain him from the said feast of Whitsunday or Martimas for payment to him of such wages as he paid to him of before ; and if he refuse to serve, that the Justice of the Peace shall have power to compell him thereunto ; and if the said servant of the quality foresaid break loose from his master, it shall be lawfull to his master to keep and apprehend him wheresoever he findeth him and to present him unto the constable or Justice of Peace, upon the ground where he shall be found, who shall have power to compell the servant to return unto his foresaid master, if it be found that he be masterless—and none otherways. And sicklike his Majesty and estates found and declared that it shall be lawfull unto his Majesties leidges, who have necessary ado with labour, to take, apprehend, and employ in their works whatsoever loose and masterless men and women whom they shall find within their own bounds ; and sicklike that the Justice of Peace and constable shall have power, at the instance and desire of whatsoever person his Majesties leidges, to force and compell all and whatsoever loose men and women to serve for competent hire and wages.

(xxxviii) Item, That the said Justices of the Peace ordain the abovewritten Acts and orders to take place and commence from and after the term of Martimas nixt to come in time comeing thereafter, and ordains the former Acts and orders of the Justices of the Peace, made upon the twenty eighth of October 1707, intituled, 'Ane Act regulating the time and manner of hireing Domestick Servants'; and the other Acts and orders made upon the [] day of March 1708, intituled, Acts and Orders regulating Domestick Servants fees, etc., to be in full force and take effect against the contraveeners thereof untill the said term of Martimas nixt to come.

The said Justices of the Peace ordain thir presents to be extracted furth of the records of their acts and proceeding, and the samine to be printed and published at the mercat crosses of the several burghs within the said shire of Lanark, and also at the most patent doors of the several paroch kirks within the samine, upon the first Sabath of September nixt, and also upon the first Sabath of March also nixt to come, immediately after divine service in the forenoon; and ordain printed coppies of the samine to be affixed upon the said mercat crosses and paroch kirk doors respective, that none may pretend ignorance thereof.

Att Lanark, the thirtieth day of October J^mvii^c and sixteen, being a Quarter Session.

Sederunt—Allan Lockhart of Cleghorn, Captain Walter Lockhart of Kirktown, the eldest magistrat of Lanark.

The said Justices of Peace present elected the said Allan Lockhart of Cleghorn preses.

The Rolls of the constables were called, and nomination made of the new constables, *in communi forma*.

Att Lanark, the sixteenth day of Janwary J^mvii^c and seventeen years.

The said day James Carmichaell, clerk of the Peace for the said shire of Lanark, haveing presented to the Justices

of the Peace of the said sherrifdom assembled for the time a new commission and nomination of Justices of the Peace for the said shire, dated the fifth day of December last bypast, wherein, . . .¹ with a Write of Dedimus relative thereto and form of oath *de fidei* thereto annexed, all which he received from the Right Honourable Charles, Earle of Selkirk, Lord Liewtenant and Sherriff principall of the said sheriffdom, and the said James Carmichaell, clerk foresaid, haveing advertised the saids Justices of the Peace in the said new commission or nomination that this dyet was prefixed by these gentlemen to whom the said Write of Dedimus is directed, in order to the said Justices in the said new commission and nomination their accepting of the same and qualifieing of themselves, conform to the Act of Parliament made thereanent—compeared the Justices of the Peace in the said new commission and nomination aftermentioned, viz. : The said Charles, Earle of Selkirk, Lord Liewtenant, Sir James Carmichael of Bonietown, Barronet, Sir Robert Denham of Westshield, Barronet, Captain Daniel Vere of Stonebyers, Walter Lockhart of Kirktown, Allan Lockhart of Cleghorn, David Crawford of Allantown, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, William Cochran of Rughsoyle, Archibald Nisbet of Carphin, William Hamilton of Overtown, George Muirhead of Whitecastle, John Robertson, younger of Earnock, John Russell, eldest baillie of Lanark.

And the foresaid Write of Dedimus being directed to the saids Justices, viz. : Sir James Carmichael, Sir Robert Denham, Captain Daniel Vere and Walter Lockhart—four of the gentlemen now present—the said Walter Lockhart administrat the oaths to the said James Carmichaell, appointed to be taken by him as clerk, and thereafter the said four gentlemen qualified themselves, the oaths being administrat to them by the said clerk ; and thereafter the said Charles, Earle of Selkirk, and the other gentlemen Justices of the Peace abovenamed, also qualified themselves, the oaths being administrat to them by the said

¹ Page and a half left blank in MS.

Sir James Carmichael. Which being done and the respective oaths with the assurance being subscribed be the saids haill Justices of the Peace abovenamed, they turned themselves into a Court of the saids Justices. And the said Charles, Earle of Selkirk, Lord Liewtennant and preses of the said meeting, and the other Justices puting it to a vote who should be their clerk in time comeing, they of new again elected the said James Carmichaell to be their clerk dureing their pleasure, and have given him a commission of this date to that effect ; as also upon application made to the saids Justices, they appoint Thursday, the thirty first of Janwary instant, to be at meeting at Hamilton for qualifying of such of the Justices as are not as yet qualified ; and ordains the clerk to give advertisements thereof, as the saids Minutes, duely subscribed by the said preses, bears. And of which commission of the office of clerkship the tenor follows : Wee, Charles, Earl of Selkirk, Sir James Carmichaell of Bonictown, Barronet, Sir Robert Denham of Westshield, Barronet, Captain Daniel Vere of Stonbyers, Allan Lockhart of Cleghorn, Captain Walter Lockhart of Kirktown, David Crawford of Allantown, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, Archibald Nisbet of Carphin, William Hamilton of Overtown, John Robertown, younger of Earnock, George Muirhead of Whitcastle, and John Russell, eldest magistrat of the burgh of Lanark—his Majesties Commissioners and Justices of Peace for shire of Lanark—subscribeing, assembled this day and place in our General Meeting, haveing experience and sufficient proof of the qualification of James Carmichaell, writer in Lanark, our clerk of the Peace for the said shire, for exerceing the said office of clerkship to us ; And we, being willing that he should yet be continued in the said office : Therefore we, be the tenor hereof, not only ratify and approve of our former nominations of the said Carmichaell to be our clerk of the Peace for the said shire, in time past, since his admission thereto, and haill articles and clauses thereof conceaved in his favours, but also of new again have nominat, constitute and appointed : Likeas by vertue of the powers and

authorities to us granted, we, by the tenor hereof, nominat, constitute, and appoint the said James Carmichaell to be clerk to the saids Justices of Peace for the shire of Lanark dureing their pleasure, giveing and granting to him the said office, with all fees, profits, casualities, priviledges and immunities whatsomever belonging, or which may be knownen to pertain and belong, thereto, with full power unto him, dureing the space abovementioned, to bruik, enjoy and exerce the said office, and to intromitt with, uplift and receive the whole fees, emoluments and profits thereof, for time bypast since his admission thereto, and in time comeing, dureing the said Justices of Peace their pleasure, and to apply the same to his own use, and also to nominat and appoint deputs under him in the said office for whom he shall be answerable, and to alter and remove them at his pleasure; and generally to do, use and exerce All and Sundry other thing therein as fully, freely and amply, in all respects and conditions, as any other clerk of the Peace for any shire within this kingdom have used, or may use and exerce, the like office; and we do hereby instantly, in this our General Meeting, continue, admitt and receive the said James Carmichaell unto the exercise and possession of the said office dureing the pleasure of the said Justices of Peace, and who has qualified himself according to law.

In testimony whereof, given under our seals and subscriptions, in this our General Meeting, holden at Lanark upon the sixteenth day of Janvary J^mvii^c and seventeen years. *Sic subscribitur*, SELKIRK, J. CARMICHAELL, ROB. DENHAM, DAN. VERE, ALLAN LOCKHART, GILBERT KENNEDY, WALTER LOCKHART, J. ROBERTON, ARD. NISBET, DA. CRAUFORD, WILL. HAMILTON, WM. COCHRANE, W. BERTRAM.

Att Hamilton, the thirty first day of Janvary
J^mvii^c and seventeen years.

The said day, in pursuance of ane Act of the meeting of the Justices of the Peace for the shire of Lanark, holden

at Lanark upon the sixteenth instant, recommending to Sir Robert Denham of Westshield and Captain Daniel Vere of Stonebyers—two of the gentlemen to whom the Dedimus is directed—to meet at Hamilton this day, to tender the oaths to such of the Justices as are not as yet qualified; and the said Sir Robert Denham of Westshield and Captain Daniel Vere of Stonebyers, being mett this day and place, to the effect foresaid, compeared the Justices of the Peace after named, viz.: Alexander Stewart of Torrence, Archibald Hamilton of Westburn, James Hamilton of Aikenhead, James Stewart of Allantown. To which Justices of the Peace the said Sir Robert Denham did administrat the oaths, conform to the directions of the Acts of Parliament made thereanent; and they did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office, and subscribe the same, with the assurance, as the Minutes thereof, signed by the said Sir Robert Denham and Captain Daniel Vere, bears.

Att Lanark, the fifth day of March J^mviii^c and seventeen years, being a Quarter Session.

Sederunt—Sir Robert Denham of Westshield, Gilbert Kennedy of Auchtifardell, Allan Lockhart of Cleghorn, William Bertram, younger of Nisbet, Captain Daniel Vere of Stonebyers, George Muirhead of Whitecastle, David Crawford of Allantown, James Stewart of Allantown.

The said Justices of the Peace present elected the said Captain Daniel Vere of Stonebyers to be preses.

Compeared the Justices of the Peace—contained in the said new commission and nomination—afternamed and designed, viz.: Sir William Meinzie of Gledstains, Sir James Lockhart of Carstairs, Sir William Weir of Blackwood, Mr. Alexander Meinzie of Coulterallars, advocat, James Hamilton of Dalyell, James Hamilton of Ormistoun, Mr. Archibald Hamilton of Dalserff, advocat, William Somervell of Corehouse, William Hamilton of Munkland, and qualified as Justices of the Peace for the said shire,

and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy, abjuration, and oath of office as Justice of the Peace, and subscribed the samine with the assurance.

Compeared also the persons afternamed who qualified in the capacities underwritten and did take and swear the oath of allegiance to his Majesty King George, and oath of abjuration, and subscribed the same with the assurance, viz. : Cornet George Blair, in Lanark, who qualified as the Sheriff-Substitute of the Overward of the said shire and as Commissar Deput of Lanark ; John Robertown, Sherriff-Clerk of Lanark shire, qualified as baillie deput of the regality of Hamilton ; James Allan, present baillie of Hamilton, qualified as such ; Arthur Naismith, clerk to the regality of Hamilton, qualified as such.

The said day the Justices of the Peace adjourned their Quarter Session to the twenty sixth instant, to meet at this place, to have under their consideration the Acts and orders anent masters and servants ; and also ordained the constables in every parish to make up lists of such as have contraveened the saids Acts in untimely feeing preceeding the term of Whitsunday last, whether master or servant, as the saids constables will be answerable upon their perril.

The said day—it being moved before the saids Justices of the Peace that James Carmichael, their clerk, has served them in the said office of clerkship these several years bygone, and has received no reward either for his service on the account of the publick service of the shire, or for his depursments made by him in the said service—therefore the saids Justices of the Peace enacts and appoints that the said James Carmichaell shall be satisfied for his said service and for his depursments abovementioned out of the forend of the fines and ammerciaments that has occurred, or shall occur, within the said shire, and for that effect ordains that the Justices of the Peace and their clerk shall be accomptant at every Quarter Session for what fines and ammerciaments has been imposed or shall be imposed by them in the preceeding quarter.

Att Lanark, the seventh day of May J^mvii^c and seventeen years, being a Quarter Session.

Sederunt—Sir Robert Denham of Westshield, Barronet, James Stewart of Allantown, Captain Walter Lockhart of Kirktown, George Muirhead of Whitcastle, William Somervell of Corehouse, John Russell, eldest magistrat of Lanark, Gilbert Kennedy of Auchtifardell.

The saids Justices of the Peace present elected the said Sir Robert Denham to be preses.

The Rolls of the constables were called and new nomination made, as use is.

Att Lanark, the thirteenth day of August J^mvii^c and seventeen years.

Sederunt—Mr. Archibald Hamilton of Dalserff, advocat, Sherriff-deput of Lanark, Captain Walter Lockhart of Kirktown, Allan Lockhart of Cleghorn, John Russell, eldest baillie of Lanark.

The said Justices of Peace present elected the said Allan Lockhart of Cleghorn to be preses.

Major Gavin Hamilton of Raploch compeared and qualified as a Justice of Peace on the said new commission and nomination and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy dna abjuration and oath of office as Justice of the Peace, dna subscribed the same with the assurance.

The said day the saids Justices of the Peace appointed ane other Court to be at this place upon the twenty ninth instant, as the Minutes subscribed by the said preses bears.

Att Lanark, the twenty ninth day of October J^mvii^c and seventeen years, being a Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Sir James Carmichaell of Bonietown, Barronet, Captain Walter Lockhart of Kirktown, Allan Lockhart of Cleghorn, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, Sir William Weir of Blackwood, Barronet,

William Bertram, younger of Nisbet, William Cochran of Rughsoyle, William Hamilton of Munkland, George Muirhead of Whitcastle, James Stuart of Allantown, William Inglis, eldest magistrat of Lanark.

The said day the Justices of the Peace present elected the said Captain Walter Lockhart of Kirktown to be preses.

The said day the Rolls of the constables were called and new nomination made, as use is.

Follows the Return of the Qualifieing of the Justices of the Peace for the shire of Lanark.

Wee, Sir James Carmichaell of Bonietown, Barronet, Captain Daniel Vere of Stonebyers and Captain Walter Lockhart of Kirktown—three of the Justices of Peace for the shire of Lanark—to whom the Write of Dedimus, hereto annexed, is directed for administration of the oaths to be taken by ourselves and others as Justices of Peace for the shire of Lanark named in the new nomination of Justices for the said shire, relative to the said Write of Dedimus, and both bearing teste at Westminster the [] day of December J^mvii^e and sixteen years, Do Hereby Certify unto his Majesties High Court of Chancelary of Great Brittain that, in pursuance of the said new nomination of Justices of Peace for the said shire, and their acceptation thereof, the Right Honourable Charles, Earle of Selkirk (Lord Liewtenant and Sheriff Principall of the shire of Lanark), the Right Honourable James, Earle of Hyndford, Sir James Lockhart of Carstairs, Sir William Weir of Blackwood, Sir Robert Denham of Westshield, Barronets, Allan Lockhart of Cleghorn, David Crawford of Allantown, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, William Cochran of Rughsoyle, Archibald Nisbet of Carphin, William Hamilton of Overtown, George Muirhead of Whitcastle, John Robertown, younger of Earnock, Alexander Stewart of Torrence, James Hamilton of Dalziel, James Hamilton of Aikenhead, James Steuart of Allantown, Mr. Archibald Hamilton of Dalserff, advocat, Major Gavin Hamilton of Raploch,

Archibald Hamilton of Westburn, William Hamilton of Munkland, William Somervell of Corehouse, John Corbet of Towcorse, Mr. Alexander Meinzie of Coulterallars, advocat, Colline Campbell of Blythwood, Sir William Meinzie of Gladstains, John Muirhead, younger of Braidesholm, James Hamilton of Orbistown, John Bowman, Provost of the burgh of Glasgow for the time, John Russell, eldest baillie of the burgh of Lanark for the time, and we, the said Sir James Carmichaell, Captain Daniel Vere and Captain Walter Lockhart, qualified as Justices of Peace for the said shire by swearing to his Majesty King George the oath of allegiance, and the oaths of supremacy and abjuration, and subscribeing the samine with the assurance, conform to the directions of ane Act of Parliament made in the first year of the reign of his Majesty King George, intituled : Ane Act for the further security of his Majesties person and Government, and the Succession of the Crown in the heirs of the late Princess Sophia—being Protestants—and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors ; and also by swearing the oath of office of Justice of the Peace, hereto anexted ; and subscribeing the same, conform to the directions of the said Write of Dedimus, hereto annexed as said is. And sicklike that James Carmichaell, clerk of the Peace for the said shire, qualified himself as such by swearing the saids oaths of allegiance, supremacy and abjuration and the oath of office as clerk of the Peace for the said shire, and subscribeing the samine with the assurance, conform to the directions of the said Act of Parliament and Write of Dedimus. And all these things are attested, certified and returned by us unto his Majesties High Court of Chancery of Great Brittain, conform to the directions of the said Write of Dedimus, hereto annexed, as said is. In testimony whereof we have subscribed thir presents, and our seals are hereto appended in a General Meeting and Quarter Session of the saids Justices of Peace holden at Lanark upon the twenty ninth day of October, and of the reign of our Sovereign Lord, King George, the fourth year, *anno Domini* 1717.

Att Lanark, the fourth day of March J^mvii^c and eighteen years, being a Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, William Somervell of Corehouse, Captain Daniel Vere of Stonebyers, George Muirhead of Whitcastle, Gilbert Kennedy of Auchtifardell, William Inglis, eldest magistrat of Lanark.

The saids Justices of the Peace present elected the said Gilbert Kennedy of Auchtifardell preses.

Rolls of the constables were called in common form.

The said Justices of the Peace continued their Quarter Session to the twenty fifth of March instant, and ordained intimation thereof to be given by Letters to the hail Justices of the Peace, as the Minutes, subscribed by the said preses, bears.

Att Lanark, the twenty fifth day of March J^mvii^c and eighteen, being a continued Court of the Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Sir James Carmichaell of Bonietown, Barronet, Captain Daniel Vere of Stonebyers, William Bertram, younger of Nisbet, Captain Walter Lockhart of Kirktown, Allan Lockhart of Cleghorn, James Hamilton of Dalyell, Gilbert Kennedy of Auchtifardell.

The said Justices of the Peace present elected the said James Hamilton of Dalyell preses.

The said day the saids Justices of the Peace recomends to Sir William Meinzie of Gladstains, Mr. Alexander Meinzie of Coulterallars and George Muirhead of Whitcastle, and every one of them, to take care of the mending and repairing of the highways within the district of Biggar, and to make nomination of fitt persons to be overseers in the several paroches for that effect, and to proceed to the execution hereof immediatly after this seed time is over ; and in the meantime to give in Lists of the Overseers to be named against the next Quarter Session.

Item, Recomends to Sir William Weir of Blackwood, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of

Auchtifardell, William Somervell of Corehouse, William Bertram, younger of Nisbet, to take care of the highways *ut supra* within the paroches of Douglas, Lesmahagow, Crawford, Crawfordjohn and Robertown.

Item, Recomends to Sir James Carmichaell of Bonietown, Sir James Lockhart of Carstairs, Cleghorn and Kirktown, and the magistrats of Lanark, to take care of the highways *ut supra* within the paroches of Carluke, Lanark, Carstairs, Carnwath, Westown, Pettinain and Carmichaell.

Item, The Justices of the Peace recomends to Mr. Archibald Hamilton of Dalserff, advocat, Sherriff-deput of Lanark, Major Gavin Hamilton of Raploch, Earnock younger, and William Hamiltown of Overtown, to take care of the highways *ut supra* within the paroches of Hamilton, Dalserff, Stonehouse, Avandale and Glassford.

Item, Recomends to Torrence, Westburn and the Provost of Rutherglen and the Laird of Aikenhead to take care of the highways *ut supra* within the paroches of Killbride, Cambushlang, Blantyre, Rutherglen, Carmunnock and Cathcart.

Item, Recomends to the Provost of Glasgow, Aikenhead, Blythswood, Shawfield and Towcorse to take care of the highways *ut supra* within the paroches of the barrony of Glasgow and burgh of Glasgow, and Govan and Calder.

Item, Recomends to the Laird of Munkland and Rughsoyle to take care of the highways *ut supra* within the paroches of Old and New Munklands.

Item, Recomends to the Laids of Dalyell, Carphin and Allantown to take care of the highways *ut supra* within the paroches of Bothwell, Shotts, Dalziel and Cambusnethan, and ordains their clerk to transmitt abstracts hereof to the Justices of the Peace for each division abovementioned.

Att Lanark, the sixth day of May J^mvii^c and eighteen, being a Quarter Session.

Sederunt—James, Earle of Hyndford, Sir James Lockhart of Carstairs, Sir James Carmichaell of Bonietown, Captain Walter Lockhart of Kirktown, Captain Daniel Vere of Stonebyers, Mr. Alex^r Meinzie of Coulterallars, advocat, James Hamilton of Dalziel, William Somervell of Core-

house, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, Archibald Hamilton of Westburn, William Cochran of Rughsoyle, James Hamilton of Aikenhead, John Muirhead of Bradisholm, William Hamilton of Munkland, James Stuart of Allantown, George Muirhead of Whitcastle.

The said Justices of the Peace present elected the said Earle of Hyndford to be preses.

The said day the Justices of the Peace unanimously elects and choises James Carmichaell, their clerk of the Peace, to be collector of all the fines to be imposed by the Justices of the Peace within this shire, and appoints the clerks at the districts to be collectors within their several districts; and when any sentences are past, where the clerks are not present, that the Justices cause to be delivered to the clerks of the districts a declaration or precept therewith, to collect any such fines, and that the clerks in every district be comptable in paying to the said James Carmichaell, general collector, all the fines chargeable upon them and that they have levied, and that, once a year, before the Quarter Sessions in May yearly, and that every such collectors shall find caution for their faithfull administration in the saids offices; and appoints that such collectors shall be gratified for their pains. And the saids Justices of the Peace, considering the general reports that is come from the district clerks at Glasgow, Hamilton and Strathaven anent the fines that has been imposed hitherto, therefore the saids Justices of the Peace appoints that these clerks shall make up a more particular accompt to be revised by the Justices in these districts, and certified by them, to the nixt Quarter Session.

The said day the Justices of the Peace unanimously adheres to their former Acts, made anent masters and servants, and ordains the same to be put to due execution—except only that article of cutting down of the harvest on days wages, which they suspend for the time—and recommends to the Justices of the Peace appointed for causing mend and repair the high ways, to put the saids Acts against masters and servants to execution within their several

divisions, and appoints the constables and overseers for these divisions to make up Lists of such as has contraveened, or may contraveen, the saids Acts, and to give in the same to the saids Justices of the Peace for the saids divisions—And with this variation : WHEREAS the tennants and labourers of land do lye under great inconveniencies, and are put to vast expences from labouring servants casting themselves out of service durement the whole, and being idle a great part, of the summer season, to the great discouragement of industry and improvement of land, and frequently to the hazard of the cropt. For remeid whereof BE IT ENACTED that all tennants and labourers of land within the shire of Lanark shall engage, hire, agree and paction with all their labouring servants, men or women, above the age of fourteen years compleat, whom they shall take into their service for the number and space of twelve months—that is to say, that the said servant shall be obleidged to serve durement that space, viz. from Martimas to Martimas, or from Whitsunday to Whitsunday, and if any tennant or labourer of land and any labouring servant shall hire, agree, engage, promise or paction, for a shorter space—to be proven by witnesses or the oaths of parties if required—each of them shall be lyable in the soume of twelve pound Scots *toties quoties*, one half thereof to the Fisk[al]¹ and the other half thereof to the Informer. Provided always that, notwithstanding hereof, it shall and may be lawfull for such tennant or labourer of land, being master, to part with such servant, if he, the said master, thinks proper, at the first term of Martimas or Whitsunday after his entry to his service, he allways giveing his said servant the usewall premonition of six weeks. And to the end all decept and fraud in the observation of this Act may be prevented : BE IT FURTHER ENACTED that if any such labouring servant shall leave his service within a less space than the said twelve months after his enterey thereto (except in the case abovementioned), every such servant, and also his master, shall be obleidged, if required, within

¹ *Fisk* was the old Scots law term for *Fiscal*: ‘Every Sheriff or Fisk of court . . .’ (J. Lothian, *Forms of Process*, 1732).

six months after he quits his service, to give account whithir they did engage, hire, agree, paction or promise in the terms foresaid. And if it appear by witnesses or the oaths of parties that they did otherways, and that the said servant demanded, or the said master granted, as a condition, that he should part with the said servant before the end of the said twelve months—then and in that case each of them shall be lyable in manner foresaid. Provided allways that if any such servant is engaged and doth enter to his service any time more than twelve weeks before the term of Whitsunday or Martimas he shall only be obleidged to remain in his said service so long as to make up twelve months, commenceing from the term of Martimas to Whitsunday, immediatly preceeding his entery to his said service. And if either he or his master agreed, hired, engaged, promised, or pactioned otherways, they shall be both lyable—and to be proven—in manner foresaid; and with this other variation and augmenting men and women servants fees, to be as follows, viz.: The best man servants fee not to be above twenty eight pound Scots per annum, and the second sort of manservants fee not to be above eighteen pound money foresaid per annum, and the best sorts of women servants fee not to be above sixteen pounds money foresaid per annum, and the second sort not to be above ten pounds money foresaid per annum.

The said day the said Justices of the Peace ordains the Laws and Acts of Parliament to be put in execution anent the preservation of the gemm and the killing of fish and fishing; and discharges all fishing by tramble nets or other nets.

Follows a List of the persons named appointed Overseers for mending and repairing of Highways within the Shire of Lanark, for the year J^mviii^c and eighteen, named by the Justices of the Peace for the said shire for the respective paroches therein, viz. :—

Biggar : Luke Vallange, baillie of Biggar, Mr. Alexander Forsyth, burges there, Andrew Brown of Longcroft. Coulter : John Murray in Coulterparkneuk, John Thomson

in Coulter. Lamington: John Short in Lamington, John Jardine in Hillhouse. Symington: James Lawrie in Weinddales, John Law, miller in Symington. Covington: Adam Murray in Thankertown boat, John Watt in Hillhead of Covington. Libertown: John Smith, smith in Libertown, William Anderson there, Robert Lawrie in Cormistown. Walstoun: Andrew Aiken of Elsrigle, John Kay in Walstown. Dunsire: John Graham in Anstown, James Watson there, William Gray in Todholls. Dolphington: William Craig in Loanhead, James Andrew in Bridgend. Carluke: John Forrest of Yeatt, William Forrest, portioner of Langshaw, James Mortoun, younger, in Law, John Gray in Coldstream. Lanark: James Howison of Hyndford, William French in Boathouses, Thomas McGhie in Cleghorn, John Whiteford in Cartland, James Cleland in Byerhill, John Brown in Westnempflar, The Magistrats of Lanark. Carstairs: Thomas Smith in Shedhill, Alexander Gibson in Carstairs. Carnwath: James Wyld in Carnwath, James Somervell of Ampherlaw. Pettinain: John Lindsay in Pettinain, John Smith in Sills. Wistoun: John Gillespie in Midtoun of Wistoun, David Robieson in Newtoun of Wistoun, William Baillie in Burnhouse, Thomas Baillie in Littlegalla. Carmichaell: James Murray in Harlyholm, James Liddell in Drumalbin, James Howison in place of Ponfeigh. Robertown: Edward Galloway in Bagbie, John Inglis in Fallside, William Galloway in Robertown. Crawford: Robert McQueen in Castle of Crawford, John Bryden in Midlock, William Welsh in Whelphill, James Scot in Newtoun. Crawfordjohn: William Black in Overabingtoun, William Russell in Crawfordjohn Milne. Douglas: William Inglis in Scrogtown, Thomas French in Craighburn, John McWharry, masson, in toun of Douglas, Nethaniel Stevenson in Earlesmilne. Lesmahagow: George Weir in Blackhill, James Hamilton in Southfield, John Hamilton of Calsayfoot, Thomas Stuart in Underbank, James White of Overstockbridges, Robert McGie in Lochenbank, William Symington in Milne of Fockertown, James Brown in Corehouse, John Greenshields in Auchtool.

Hamilton District.

The highways within the said district being divided in order the overseers of each highway are designed for mending and repairing the same, as their residences lyes adjacent thereto, which are as follows, viz. :—

For the highway leading from Hamilton to Crossford : James Jack in Avamilmne, William Reid in Rickartown, John Aidie there, John Naismith in Bailings, John Shirralaw in Raploch, Robert Forrest in Broomhill, Robert Stuart in Dalserff, Bassil Hamilton there. From Hamilton to Calderbridge, in the way to Glasgow : The Magistrats or Tresaurer of Hamilton, Alexander Hamilton in Bothwell Bridge, Gavin Hamilton in Bothwell, Gavin Waddell there, James Corse in Udstown, Andrew Bradwood there. From Hamilton to Strathaven : Andrew Simm, late baillie in Hamilton, Adam Muire in Lowwater, James Strang, portioner of Meikle Earnock, Hugh Mathie in Bend, James Alstone of Mains, Alexander Simm in Boaghead, Alexander Morison in Cornhills, [] Lawson in Awieboag, John Struthers of Carndaff. From Hamilton to the Shotts, and as far as the shire goes that way : Thomas Nimmo in Clydside, John Robieson in Motherwell, John Bell in Clelandtown, One of Carphins tennants, One in Newarthill, John Scot in Rickarstownhill, the tennant in South Linridge, the tennant in North Linridge, the tennant in Stinkingstoups, the tennant in Moorichall, Richard Robieson in Shotts, Mr. James Tutop there, William Wardrop of Calderhead, William Mcek of Fortissat, Halkwood burn, the tennant in Hirst, Richard Manuel in Moorhead, William Manuall there. From Hamilton to Borrowstounness, as far that way as the shire goes.¹ From Dalserff to Stonehouse : Thomas Muller in Stonehouse, Gavin Hamilton in Tounhead there, Thomas Muller in Cannerplace. From Stonehouse to Strathaven : Thomas Muller in Stonehouse, Gavin Hamilton there, John Weir in Crumhaugh, Thomas Robieson in Hazeldean, William Craig in Netherfielddyke,

¹ Blank space in MS.

John Alsten of Overhall. From Hamilton to Blantyre, and to the Pryor Bridge: James Hamilton in Wellshaw, William Allan in Auchengraymont, — McMath in Burnbank, Thomas Borland in Udstown, James Dykes there, John Miller of Park, — Jackson of Redlies, William Jackson of Bardyks, James Coats of Old Place. From Glassford to Strathaven: John Alston of Overhall, William Craig in Netherfieldyk, John Marchell in Heads of Glassford, William Riddall there, John Stuart there.

Killbride paroch: James Strang of Burnhouse, Alexander Wardrop, portioner of Old housses, John Fleeming in Backraw, Hugh Fleeming in Burn, James Broun in Halfmerk, Patrick Graham of Limekills, John Reid in Jackstown, John Reid in Kittoekside, Calderwoods baillie.

Cambushlang: James Corsbie in Holm of Coats, John Riddell in Clydsmlne, Andrew Strang in Hallside, John Zuil, elder, in Fleemington, Robert Cock in Lattrick.

Oldmunkland: James Murray in Boghall, John Pitcairn of Windyedge, John Wark of —, James Witherspoon of Kilngair.

Newmunkland: Mr. James Jack in Braidenhill, George Hay in Midrooks, Mathew Robertown in Shank, John Shaw in Glentoar, Robert Thome there, John Salmond in Auchengray, John Telfer in Drumbrek, James Hamilton in Broomside, James Thome in Braehead.

Dalziel: [No names entered].

Cambushnethan: [No names entered].

Barrony paroch of Glasgow: John Petticrove of Green, John Gibson of Newtown, John Hamilton of Provan.

Govan: John Rowan of Pewtherhill, Andrew Gibson of Hillhead of Partick, Robert Rae of Littlegowan, Gabriel McCrocket in Gorbels.

Calder: John Bryce in Rumloch, Andrew Gray in Crystoun.

Rutherglen: James Maxwell in Shawfield, Thomas Bogle in Farme, James Reid in Hamiltons ferm, Patrick Witherspoon, late Provost of Rutherglen, James Fairie, late baillie there.

Carmunnock: Patrick White in Cathkine, Andrew Park

in Croftfoot, George Park in Westhead, John Reid in Kirk-town of Carmunnock.

Catheart : Andrew Allan in Braidlie, Alexander Maxwell in Aikenhead, William Baird in Drips, Andrew Baird in Dripmilne.

The said day the Justices of the Peace, finding it troublesome that the nomination of the constables should be left to the countrey themselves at the Quarter Sessions—and sometimes they name unfitt men unknown to the Justices—therefore the saids Justices in their Generall Session appoints that the Justices in every distriet make nomination of fitt men to be constables in every distriet, and certify the same under their hands to the General Session at which they are to be admitted and then returned to the distriets, to be sworn and admitted ; and thereafter to be recorded in the General Register and Roll.

Att Lanark, the fifth day of June J^mvii^c and eighteen years.

The whilk day, in presence of Allan Lockhart of Cleg-horn and George Muirhead of Whiteastle, two of the Justices of the Peace for the shire of Lanark, compeared personally Nicol Donaldson, officer of exeise for the division of Carnwath, who qualified and did take and swear the oath of allegiance to his Majesty King George, and the oaths of supremaey and abjuration, and subserived the samine with the assurance, and alse did take, swear and subserive the oath of office as exeiseman, as the Minutes thereof, signed by the said Justices of Peace, bears.

Att Lanark, the fifth day of August J^mvii^c and eighteen years, being a Quarter Session.

Sederunt—Sir James Carmichael of Bonietoun, Barronet, Sir William Weir of Blackwood, Allan Lockhart of Cleg-horn, Captain Walter Lockhart of Kirkton, William Bertram, younger of Nisbet, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auehtifardell, George Muirhead of Whiteastle, William Inglis, eldest magistrat of Lanark.

The said Justices of the Peace present elected the said William Bertram, younger of Nisbet, to be preses.

The Rolls of the constables were called, as use is.

The saids Justices of the Peace appoints a meeting of the haill Justices of the said shire, to be at Hamilton upon Wednesday, the twenty seventh of August instant.

Att Hamilton, the twenty seventh day of August
Jm^{viii} and eighteen.

Sederunt—Sir William Weir of Blackwood, Sir Robert Denham of Westshield, Major Gavin Hamilton of Raploch, Archibald Hamilton of Westburn, William Cochran of Ruchsoyle, James Hamilton of Aikenhead, Captain Walter Lockhart of Kirktown, James Hamilton of Dalziel, James Stuart of Torrence, Mr. Archibald Hamilton of Dalserff, David Crawford of Allantown, Archibald Nisbet of Carphin, William Hamilton of Munkland.

The said Justices of the Peace present elected the said Captain Walter Lockhart of Kirktown preses.

The Justices of the Peace, this day conveened, takeing to consideration what inconveniencies arises by the want of a correspondence with the neighbouring shires anent the Regulations of servants fees, workmen and craftsmens wages, therefore the saids Justices of the Peace recomends to the Justices of this shire afternamed to meet with the Justices in the other shires and commune and treat with them upon such Regulations and what may be most expedient for the good of the haill countrey, viz.: Appoints Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, and George Muirhead of Whitecastle to meet with the Justices of the Peace for the shires of Nithsdale and Peebles at Sanquhar upon the fifteenth day of October nixt to come; appoints James Hamilton of Dalziel, William Cochran of Rughsoyle and James Hamilton of Aikenhead, Allan Lockhart of Cleghorn and Captain Walter Lockhart of Kirktown to meet with the Justices of the Peace for the shires of Air, Renphrew, Dumbarten, Stirling and Linlithgow at Glasgow upon the eight day of the said month of October nixt to come; and Declaring any two

of the said number of Justices for this shire to be a quorum ; and impowers them, with the other Justices for the said respective shires, to make overtures and conserts of what may be most convenient anent the saids Regulations and anent the makeing of linnen and woolen cloath ; and that the said overturs be brought in before the nixt Quarter Session of the saids several shires, that ane universal rule may be had throughout the saids hail shires for preventing of troubles in relation to the premisses in time comeing ; and ordains the clerk to transmitt coppies of the Regulations for this shire to the several clerks of the Peace of the saids neighbouring shires, to be communicat by the saids clerks to the Justices of the saids shires, to be under their view before the saids respective meetings, and to acquaint the saids Justices of the foresaid particular dyets and places of meeting, requesting the saids Justices in the saids neighbouring shires, by such quorums as they shall think convenient, to give attendance at the saids respective dyets and places abovementioned appointed for their meetings, and to request the clerk of the Peace of the saids several shires to return ane answer to the clerk of the Peace of this shire whither or not the Justices of the foresaid shires resolves to meet with the Justices upon the foresaid accounts [on] the abovementioned days and places, that he may acquaint the Justices, hereby named, of their answer timeously ; and also to request the clerks of the said neighbouring shires to transmitt to the clerk of the Peace of this shire duplicats of their Regulations—if any beis—with all expedition, that the samine may be had under consideration by the Justices of this shire before the forsaid dyets of meeting.

Att Lanark, the twenty eight day of October J^mvii^c
and eighteen years, being a Quarter Session.

Sederunt—Sir James Carmichaell of Bonietown, Sir William Weir of Blackwood, Sir Robert Denham of Westshield, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, James Stuart of Allantown, the eldest magistrat of Lanark, Major Gavin Hamilton of Raploch,

Captain Daniel Vere of Stonebyers, William Somervell of Corehouse.

The said Justices of the Peace present elected the said Sir Robert Denham of Westshield preses.

The Rolls of the constables were called and new nominations made *in communi forma*.

The said Justices of the Peace—*una voce*—appoints and constitutes their nixt Quarter Session to be at Hamilton upon the first Tuesday of March nixt to come, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the fourth day of November J^mvii^c and eighteen.

Sederunt—Sir James Carmichael of Bonietown, Barronet, Captain Daniel Vere of Stonebyers, William Bertram, younger of Nisbet, Gilbert Kennedy of Auchtifardell, William Inglis, eldest magistrat of Lanark, Captain Walter Lockhart of Kirktown.

The said Justices of the Peace present elected the said Captain Walter Lockhart of Kirktown preses.

The said day the saids Justices of the Peace conveened, haveing under their consideration the letters given in before them by the collectors of excise within this shire anent the new duty upon houses haveing twenty windows and above, they appoint the first Twesday of December nixt, for a Court of the Justices at this place, for appointing of assessors of the saids houses within the said shire; and to give them directions, in order to make up their said assessments and to return the same to the Justices, conform to the description of the Act of Parliament made thereanent. *Sic subscribitur*, J. CARMICHAELL, W. BERTRAM, GILBERT KENNEDY, WILLIAM INGLIS, Baillie of Lanark.

Att Hamilton, the third day of March J^mvii^c and nineteen years, being a Quarter Session.

Sederunt—Major Gavin Hamilton of Raploch, Alexander Stuart of Torrence, James Hamilton of Aikenhead, William Cochran of Rughsoyle.

The said Justices of Peace present elected the said Major Gavin Hamilton of Raploch preses.

The Rolls of the constables were called *in communi forma*.

The Justices of the Peace appoints the overseers within the Overward to be called and summoned to attend at Lanark the nixt Quarter Session, to give account of their dilligence in the said office for the last year, and the overseers in the Netherward to give account of their dilligence therein upon such dyets as the Justices in their nixt Quarter Session shall appoint.

The said day the said Justices of the Peace, understanding the great and many inconveniences ariseing from labourers of the ground furnishing their servants with ground for lintseed sowing, therefore the Justices of the Peace discharges all labourers of the ground from furnishing their servants with ground for lintseed sowing, or to sow them lintseed any manner of way, whither upon account of fee, bounteith, favour, or any other manner of way whatsoever, certifieing the contraveener that he shall be lyable in ten pound Scots money, and alse that the servant receiver of the lint sowing shall be lyable in the said soume of ten pound. And ordains thir presents to be intimated at all mercat crosses and kirk doers within the shire.

The Justices of the Peace appoints their nixt Quarter Session to be at Lanark upon the first Twesday of May nixt to come; and in the meantime continues this present Session to Lanark, to Twesday, the twenty fourth of March instant.

Att Lanark, the twenty fourth day of March J^mviii^e
and nineteen years.

Scederunt—Sir James Carmichaell of Bonietown, Barronet, Captain Walter Lockhart of Kirktown, Mr. Alexander Meinzies of Coulterallars, advocat, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, William Inglis, eldest baillie of Lanark.

The saids Justices of the Peace present elected the said Mr. Alexander Meinzies to be preses.

The said day the saids Justices of the Peace, haveing caused read the Minutes of the last Quarter Session at Hamilton upon the third instant—recomending to this meeting to cause the overseers of the highways within the Overward to give account of their dilligence in that office for the last year—therefore the said Justices of the Peace, now conveyened, appoints the said overseers to be called to give account of their said dilligence against the nixt Quarter Session, and ordains intimation to be made hereof at the several paroch kirk doors fourteen days at least before the said Quarter Session, as the Minutes of that day's Sederunt, duely subscribed by the said preses, bears.

Att Lanark, the fifth day of May J^mvii^c and nineteen years, being a General Meeting and Quarter Session of the Justices of the Peace for the shire of Lanark.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Sir James Carmichaell of Bonietown, Barronet, Captain Walter Lockhart of Kirktown, Captain Daniel Vere of Stonebyers, Mr. Alexander Meinzies of Coulterallars, advocat, Gilbert Kennedy of Auchtifardell, James Hamilton of Aikenhead, George Muirhead of Whitcastle, James Stuart of Allantown, the eldest magistrat of Lanark.

The said Justices of the Peace present elected the said Mr. Alexander Meinzies of Coulterallars preses.

The Rolls of the constables were called *in communi forma*.

The saids Justices of the Peace present appoints their nixt Quarter Session to be at Hamilton upon the first Twesday of August nixt. The saids Justices of the Peace, in respect that the magistrats of the burgh of Glasgow has not prepared a correction house at thair burgh of Glasgow, conform to the Act of Parliament—and as they have been required thereto by order of the saids Justices, conform to ane instrument, etc. etc. : Therefore the said Justices of the Peace appoints that the Provost and baillies of the said burgh of Glasgow, and Town Council thereof, shall be summoned to appear before the saids Justices in their nixt

Quarter Session, to be held at Hamilton upon the first Tuesday of August next to come, for their not preparing of the said correction house, as the Minutes of the said Quarter Session, duely subscribed by the said preses, bears.

Att Hamilton, the fourth day of August J^mvii^c and nineteen, being a General Meeting and Quarter Session.

Sederunt—Major Gavin Hamilton of Raploch, Captain Walter Lockhart of Kirktown, Archibald Hamilton of Westburn, James Hamilton of Aikenhead, Major John Robertown, younger of Earnock, Mr. David Crawford of Allantown, William Cochran of Rughsoyle, Archibald Nisbet of Carphin, James Stuart of Allantown.

The said Justices of Peace present elects the said James Hamilton of Aikenhead to be preses.

The Rolls of the constables were called in common form. The said day compeared Sir James Stuart of Coltness, Barronet, advocat, and qualified as one of the Justices of the Peace for the shire of Lanark, and did take and swear the oath of allegiance to his Majesty King George, and also the oaths of supremacy and abjuration and oath of office as Justice of Peace, and subscribed the same with the assurance.

The said Justices of the Peace continues their Quarter Session to the second Tuesday of September next to come, to sitt at Lanark that day, and ordains the clerk to give advertisment to the hail Justices of the Peace of that dyet.

Att Lanark, the twenty seventh day of October J^mvii^c and nineteen years, being a Quarter Session.

Sederunt—Sir James Carmichaell of Bonietown, Barronet, Sir William Weir of Blackwood, Barronet, Mr. Alexander Meinzie of Coulterallars, advocat, Captain Walter Lockhart of Kirktown, Gilbert Kennedy of Auchti-

fardell, William Bertram, younger of Nisbet, Captain Daniel Vere of Stonebyers, George Muirhead of Whitcastle.

The saids Justices of the Peace present elects the said Mr. Alexander Meinzie of Coulterallars, advocat, preses.

A letter of excuse from Raploch, seen and admitted, in which Raploch recomends to the Justices now mett to take care of the mending and repairing of the highways at Canner milne, and to alter the said highway so as it may be mad convenient for passage. The Justices, haveing considered the letter, they recomend to the Justices within the district of Hamilton—within the whilk the said highway lyes—and because the property of the ground, as is informed, belongs to his Grace the Duke of Hamilton : Therefore the Justices, now mett, recomends to the Justices of the said district of Hamilton to apply to his Graces curators for their concurrence thereant for mending and repairing of the said highways and altering of the same, so as the samine may be made convenient for passangers.

The said day Captain Walter Lockhart of Kirktown haveing produced and shoven to the Justices, now mett, the accompt of the expences depursed upon the prosecution of the advocation raised by the burgesses of Lanark against the pror. fiscal to the saids Justices of the Peace, and the same being discust by the Lords of Council and Session ; and the principall cause being remitted, and the saids Justices now mett finds the said accompt to ammount to the soume of one hundred and sixteen pound thirteen shilling four pennies Scots money : Wherefore the saids Justices now present, subscribers of the warrand for prosecution of the said advocation, has paied into the said Captain Walter Lockhart their proportions of the said accompt of expences, and recomends to the other Justices, subscribers thereof, to make payment to the said Captain Walter Lockhart of their respective proportions of the said accompt, with all conveniency, which is seven pound five shilling, to each Justice of the Peace, subscribers of the said warrand, as the Minutes of the said Quarter Session, duely subscribed by the said preses, bears.

Att Lanark, the first day of March J^mvii^c and twenty years, being a Quarter Session.

Sederunt—Captain Daniel Vere of Stonebyers, William Bertram, younger of Nisbet, Captain Walter Lockhart of Kirktown, Gilbert Kennedy of Auchtifardell, William Inglis, eldest magistrat of Lanark.

The Justices of Peace present elected the said Gilbert Kennedy of Auchtifardell preses.

The Rolls of the constables were called *in communi forma*.

The said day the Justices of the Peace understanding that, in the month of October last by past or thereby, there happened manslaughter to be committed upon the person of [] at the house of Blind wells in the paroch of Cambusnethan, and the actors thereof are not as yet found out or discovered ; and it being the duty of all judges and his Majesties good subjects to make discoveries and find out such offenders, therefore the saids Justices of the Peace mett for the time nominats and appoints Sir James Stuart of Cultness, the Lairds of Carphin, Raploch, Rughsoyle, Munkland, Kirktown, Auchtifardell, Sir James Carmichaell of Bonietown, Stonebyers, Nisbet—or any three of them—to make ane inquisition of the said manslaughter and offence ; and to convene the countrey before them for giving information thereanent as the law requires. And appoints the first dyet of their meeting to be at Blindwalls upon Wedensday, the twenty third instant, and to prorogat their dyets from time to time as they shall see cause, as the Minutes of the said Quarter Session, duely subscribed by the said preses, bears.

Att Lanark, the third day of May J^mvii^c and twenty years, being a Quarter Session.

Sederunt—Sir James Stuart of Coltness, Barronet, Mr. Archibald Hamilton of Dalserff, advocat, Major Gavin Hamilton of Raploch, Allan Lockhart of Cleghorn, Captain Daniel Vere of Stonebyers, George Muirhead of Whitcastle,

Gilbert Kennedy of Auchtifardell, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The said Justices of Peace present elected the said Mr. Archibald Hamilton of Dalserff preses.

The Rolls of the constables were called and new nomination made *in communi forma*, as the Minutes of the said Quarter Session, duely subscribed by the said preses, bears.

Att Lanark, the second day of August J^mvii^c and twenty years, being a Quarter Session.

Sederunt—Sir James Steuart of Coltness, Barronet, advocat, James Stewart of Allantown, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The saids Justices of the Peace present elected the said Sir James Stewart of Coltness to be preses.

The said day Mr. Thomas Hamilton of Raith compeared and qualified as nottar publick by takeing and swearing the oath of allegiance to his Majesty King George, and alse the oath of abjuration, and subscribeing the same with the assurance.

The said day James Carmichaell, clerk of the Peace, produced before the saids Justices a letter, direct by the commissioners of excise to him as clerk foresaid, dated at the Custom House of Edinburgh the twenty fifth of Jully last, shewing that there haveing passed this last session of Parliament ane Act for preventing frauds and abuses in the publick revenues of excise, custom houses, etc., wherein are contained several clauses which are to be put in execution—in case of need—by the assistance of the Justices of the Peace ; and therefore thought proper to inclose two of the coppies of the said Act to the end that when any of the officers of his Majesties revenue make application to any of the Justices of this county, in order to put the same in execution, they may be apprised thereof. Which letter—and coppies of the foresaid Act—the said Justices, now conveened, ordains to remain in the hands of their said

clerk, that every Justice of Peace may have access thereto, as accords. The Justices of the Peace appoints a Court to be at Lanark upon the seventeenth day of August instant, and continued their Quarter Session to that day.

The said day William Lockhart of Waygateshaw compeared and qualified as baillie of the regalities of Bradwood and Dunsyre and barrony of Carnwath and did take and swear the oath of allegiance to his Majesty King George, and also the oath of abjuration, and subscribed the samen with the assurance, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the seventeenth day of August J^{mviic}
and twenty years, being a continued Court of
the said Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Sir James Steuart of Coltness, Barronet, advocat, Captain Daniel Vere of Stonebyers, Captain Walter Lockhart of Kirktown, William Inglis, eldest baillie of Lanark.

The said Justices of the Peace present elected the said Sir James Stewart to be preses.

Att Lanark, the twenty fifth day of October J^{mviic}
and twenty years, being a Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, George Muirhead of Personlands.

The said Justices of the Peace present elected the said Gilbert Kennedy of Auchtifardell to be preses.

The Rolls of the constables were called and new nomination made, as use is.

Att Lanark, the seventh day of March J^{mviic} and
twenty one years, being a Generall Meeting and
Quarter Session.

Sederunt—Sir James Steuart of Coltness, Barronet, Gilbert Kennedy of Auchtifardell, Captain Daniel Vere of

Stonebyers, James Steuart of Allantown, Captain Walter Lockhart of Kirktown, Allan Lockhart of Cleghorn, John Russell, eldest magistrat of Lanark.

The said Justices of the Peace present elects the said Sir James Stewart to be preses.

The Rolls of the constables were called *in communi forma*.

The said day the said Justices of the Peace haveing considered a memorial, presented to them anent masters and servants and abuses committed by them towards one another, the said Justices declares that they will cause put to execution the Acts and Ordinances formerly made by them relative thereto, and in the meantime continues the Quarter Session to the first Twesday of Aprile nixt to come, to consider what may be thought convenient to be done by them in relation to the premisses, over and above what is contained in the saids Acts and regulations—or what alterations shall be made therein,—at their said nixt meeting, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the fourth day of Aprile J^mvii^c and twenty one years.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Sir James Carmichaell of Bonietown, Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, Captain Walter Lockhart of Kirktown, Major Gavin Hamilton of Raploch, John Russell, eldest baillie of Lanark, Allan Lockhart of Cleghorn.

The said Justices of Peace present elected the said Major Gavin Hamilton to be preses.

The Justices of the Peace continues the Memorial anent masters and servants to the next Quarter Session.

Att Lanark, the second day of May J^mvii^c and twenty one years, being a Quarter Session.

Scederunt—Sir James Stewart of Coltness, Barronet, James Stewart of Allantown, Captain Walter Lockhart of Kirktown, John Russell, eldest magistrat of Lanark.

The Justices of Peace present elected the said Sir James Stewart preses.

The Rolls of the constables were called and a new nomination made *in communi forma*, as the Minutes of the said Quarter Session bears.

Att Lanark, the first day of August J^mvii^c and twenty one years, being a General Meeting and Quarter Session.

Sederunt—Sir James Steuart of Coltness, Barronet, Allan Lockhart of Cleghorn, Captain Walter Lockhart of Kirktown, James Stewart of Allantown, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, John Russell, eldest magistrat of Lanark.

The said Justices of the Peace elected the said Allan Lockhart of Cleghorn preses.

The Rolls of the constables were called *in communi forma*.

The said day the saids Justices of the Peace haveing had under their consideration the many inconveniencies that attends the right administration of justice through the uncertainty of the times and places of the meeting of the several districts, and the trouble the leidges are often put to, by [having] to appear before any number of the Justices, meeting at a great distance from their residence ; as also haveing had under their considerations some things offered to them in relation to the improvement of the linnen manufacture, and to the more effectual execution of the laws made thereanent ; as also several things relating to the revenue of excise, for the better settlement of a good correspondence with the commissioners thereof, whereby the subjects may be reli[e]ved of some hardships, and the duty payable to the Crown made more effectual—the saids Justices, after some time spent in hearing of and reasoning upon several proposalls made anent the above particulars, were of opinion that they merited the mature deliberation of a more frequent meeting, where the help and assistance of the other Justices may be of use for framing and makeing effectual such measures as may be proper for establishing

a right regulatiōne in the above particulars in time comeing. Therefore they did and hereby do agree to continue the said Quarter Session to the first Twesday of September nixt, and ordained letters to be sent to the several Justices, signed by their preses, intimating the reason and designe of the said continuation ; and intreating the saids Justices would be present thereat, with a resolution to continue so long together as may be necessar for settleing of the above particulars, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the fifth day of September J^mvii^c and twenty one years, being a continued Court of the Quarter Session.

Sederunt—Sir James Carmichaell of Bonietown, Barronet, Sir James Steuart of Coltness, Barronet, Gilbert Kennedy of Auchtifardell, Allan Lockhart of Cleghorn, Mr. Alexander Meinzie of Coulterallars, William Bertram, younger of Nisbet, Captain Walter Lockhart of Kirktown, Mr. Archibald Hamilton of Dalserff, advocat, James Steuart of Allantown, the eldest magistrat of Lanark.

The saids Justices of the Peace present elects the said Sir James Steuart to be their preses.

The said day the saids Justices of Peace haveing considered the constitution of the shire and districts formerly appointed thereof made *in anno* J^mvii^c and seven years, they continue the saids districts as formerly, and discharges any constable from summonding any defendants to appear before any of the Justices without the district wherein the defendant lives, and that the defendant shall not be obleidged to answer to any such citations or summons in time comeing, and recomends to everie one of the saids Justices to observe this Act and cause the same to be observed in time comeing.

The said day the said Justices of the Peace haveing considered ane information given in before them by Captain Walter Lockhart of Kirktown, anent the countries refusing to give their assistance to the repairing and calsayng of

Calsay red moss, the saids Justices ordains a List to be made up of the said countrey people who refused to give their assistance as aforesaid, and to be conveyened before any quorum of Justices, with all conveniency, that they may be proceeded against, as accords of the law.

The said day the saids Justices haveing had under their consideration ane Act made by the saids Justices at Hamilton upon the twenty seventh of August J^mvii^c and eighteen years, recomending to several of their number to meet with the Justices of the Peace of the neighbouring shires, to make overtures and conserts of what may be most convenient anent the regulations of masters and servants, their feeing and fees to be paid to servants and craftsmen, and workmens wages; and anent the makeing of linnen and woollen cloaths, etc.; and, in particular, recomending to James Hamilton of Dalziel, Allan Lockhart of Cleghorn, Captain Walter Lockhart of Kirktown, William Cochran of Rughsoyle and James Hamilton of Aikenhead, to meet with the Justices of the Peace for the shires of Air, Renphrew, Dumbarton, Stirling and Linlithgow, at Glasgow, upon the eight day of October J^mvii^c and eighteen years foresaid, to the effect foresaid, and declareing any two of the said number of Justices for this shire to be a quorum. And accordingly the saids Justices for this shire [and] the neighbouring shires, haveing mett at Glasgow upon the said eight day of October and year foresaid, and haveing had under their consideration the foresaid matter in relation to the makeing of linnen and woollen cloath, they gave it for their opinion that the Acts of Parliament *anno Decimo et duodecimo Annae Reginae*,¹ relative to the makeing of linnen cloath, should be put to execution, and that the execution thereof should be universal; and therefore agreed that the Provost of Glasgow should write to such of the tradeing burrows as were most concerned in the linnen cloaths, and in like manner, that the Quarter Sessions of Clydsdale and Renphrew should write to the Justices of Peace in Perth, Stirling, Linlithgow and other neighbouring shires acquainting them with the Resolution abovementioned and

¹ 10 Anne, c. 21; 12 Anne, st. 2, c. 20.

desireing their coneurrance in the premisses. And the foresaid matter haveing line [lain] over, and no progress made therein hitherto, therefore the Justices of the Peace now convened recomends the foresaid matter of new again to the abovenamed Justices of the Peace for this shire and quorum of them foresaid, and continues the same powers with them, to meet with the Justices of the foresaid neighbouring shires, to make what further overtures may be necessar in relation to the premisses, at such convenient times and places as the saids Justices for this shire and the neighbouring shires shall appoint betwixt and the [] day of [] nixt to come. And ordains ane abstraet hereof to be transmitted by the clerk of Court to the Provost of Glasgow, and to the clerk of the Peace for the shire of Renfrew, to be communicat by him to the Justices of the Peace of that shire, that the said Provost of Glasgow and the Justices of Renfrewshire may write to the Justices of the other neighbouring shires for appointing of a time and place of the said meeting. And when the same is conserted and appointed, recomends to the Provost of Glasgow to write to the clerk of Court of the place and dyet of the said meeting, [in order] that the clerk of Court may communicat the same to the Justices of this shire.

The said day the said Justices of the Peace, haveing information of some greivances of the brewers within the shire in relation to their paying in of money to the gadgers in the countrey places—for payment of their excise to the collector thereof at their excise offices—and obtained the gadgers receipts thereof, and thereupon thought themselves secure. But the collectors, alledgeing that the gadgers had not payed in the money to them, therefore refuses to admitt of the gadgers receipts, and allow the money to the brewers and grant them discharge of their said excise *pro tanto*. Therefore the Justices of the Peace now convened allows any such person, subject to the payment of the duty of excise—whither upon ale, leather, or other things of the like nature—who has received any receipts from gadgers for money which are not allowed to them by

the collectors, to bring the saids receipts to the clerk of Court that he may take duplicats thereof to be approven of by any quorum of the saids Justiees, to the effect the principalls or duplicats may be transmitted to Edinburgh, to be laid before the Commissioners of Excise for their advise.

Att Lanark, the thirty first day of October J^mvii^c
and twenty one years, being a Quarter Session.

Sederunt—Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, Captain Walter Lockhart of Kirktown, George Muirhead of Whiteastle, John Russell, eldest magistrat of Lanark.

The saids Justiees of Peace present elected and choosed the said Gilbert Kennedy of Auchtifardell to be their preses.

The Rolls of the constables were called and new nomination made, as use is, [and] as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the eighteenth day of January J^mvii^c
and twenty two years, being a General Session
and Court of Excise, kepted by the Justiees of
the Peace for the shire of Lanark.

Sederunt—Captain Daniel Vere of Stonebyers, Gilbert Kennedy of Auchtifardell, John Russell, eldest magistrat of the burgh of Lanark for the time.

The said Justiees of Peace present elected the said Captain Daniel Vere of Stonebyers preses.

Follows ane Act made by the saids Justices of the Peace anent insolvent brewers.

Att Lanark, the eighteenth day of January J^mvii^c and twenty two years, anent the information and complaint brought in before the Justiees of the Peace for the shire of Lanark, convened this day and place for the time, att the instance of Mr. Alexander Seatown, Collector of Excise, against several brewers within the burgh of Lanark for payment of the arears of the duty of exeise due by them and other things therein mentioned. In which informa-

tion there is ane clause mentioning that where sundry bankrupt, insolvent people setts up to brew and vend ale ; and not being able—on account of their poverty—to pay the duty of excise, do frequently run in arrears and then privatly convays away the vessel in which such ale was made—no other effects with many of them being to be fund—proves a great detriment to the revenue, a continual trouble to the Justices of Peace, and also to others. Therefore humbly craved the said Justices of Peace to grant warrand and power to the said Collector, or officers of Excise, to seize and secure all the brewing vessels and other utenciles for selling of ale in the custody of such upsetters, to brew untill the arrears might be laid before the Justices of Peace, in order to obtain a sentence thereon ; and that it might be allowed to the said Collector or officers of Excise effectually to stop all such insolvent people from either setting up to brew, or further to sell, any ale whatsoever untill they find sufficient bail for their due payment of the duties of excise from time to time. Which clause in the said information, being this day seen and considered by the said Justices of Peace convened for the time as said is, they allowed, and hereby allow, the said Collector, or other officers of Excise and their successors in office for the time being, to discharge any such bankrupt or insolvent brewers who shall not pay their duty of excise at every collection, for what falls due within the preceeding six weeks, from breweing thereafter untill they find sufficient caution for payment of the preceeding duty. And also allowed, and hereby allows, the said Collector, or officers of Excise, to seize and secure the brewing veshels of any such insolvent or bankrupt brewers who shall be deficient in payment of the duty of excise in manner fore-said, and to put the samine in sure custody and keeping, without damage, untill such brewers find sufficient caution to make the samine furthcomeing to the said Collector, as law will, or untill the samine be legally affected by the said Collector for payment of any such arrears of excise that shall happen to be due. Providing the said Collector—or others concerned—do prosecute their clame of debt of

excise against any such insolvent brewers within the space of three months nixt after the said duty of excise falls due, as said is, as ane Act, duely subscribed by Captain Daniel Vere of Stonbyers—one of the said Justices of Peace—preses, elected in the said meeting, bears.

Att Lanark, the fifth day of Aprile J^mviic and twenty two years.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Gilbert Kennedy of Auchtifardell.

The whilk day, in presence of the said Justices of the Peace conveened for the time, as said is, in a Court held by them within the tolbooth of Lanark, this day compeared personally the persons underwritten, viz. : John Russell and John Bannatyne, baillies of the burgh of Lanark, William Inglis, Dean of Gild thereof, James Moody, deacon Conveener of the Trades of the samine burgh, John Hunter, thesaurer, James and Thomas Weirs and William Weild, merchants, John Kerr, maltman, John Simpson, wright, Samuel Greenshields, masson, James Hewison, tailzour, Bernard Bell and John and Thomas Patons, shoemakers, James Alston, dyster—all counsellors of the said burgh of Lanark ; William Newbigging, Deacon of the Smiths, Robert Hastie, Deacon of the Wrights, John Wilson, Deacon of the Weavers, and James Scot, Deacon of the Glovers of the said burgh of Lanark, and Alexander Wilson, town clerk thereof. And then and there the saids persons—in order to their electing of a Commissioner to repair to Linlithgow for electing a Commissioner to the insheewing Parliament (to be holden at Westminster the tenth day of May nixt to come), and each of them, in face of open court, qualified themselves, and did take and swear the oath of allegiance to his Majesty King George, and the oath of abjuration, and subscribed the samine with the assurance, according to the law on that behalf, made as the minutes made thereupon—signed by the said Justices of Peace—bears.

Att Lanark, the first day of May J^mvii^c and twenty two years, being a Quarter Session.

Sederunt—Captain Walter Lockhart of Kirktown, Gilbert Kennedy of Auchtifardell, John Russell, eldest magistrat of Lanark for the time.

The saids Justices of Peace present elected the said Captain Walter Lockhart of Kirktown preses.

The Rolls of the constables were called *in communi forma*.

Att Lanark, the seventh day of August J^mviii^c and twenty two years, being a Quarter Session.

Sederunt—Mr. Archibald Hamilton of Dalserff, Gilbert Kennedy of Auchtifardell, John Russell, eldest magistrat of Lanark for the time, Captain Daniel Vere of Stonebyers.

The saids Justices of Peace present elected the said Mr. Archibald Hamilton of Dalserff preses.

The Rolls of the constables were called *in communi forma*, as the Minutes of the said Quarter Session bears.

The said day—anent the Petition given in before the saids Justices of the Peace by John Jack of Crossford against William Forrest of Malshockmilne, makeing mention that the said William Forrest of Malshockmilne, heretor of the ground upon the River of Clyde where the ferry boats of Crossford do land, thought fitt to pursue the said John Jack, petitioner, before the Lords of Session for removeing of some stones on his side of the river, and for raiseing the water by gathering some stones together in the channell thereof, both which the said John Jack did, in order to render the passage and landing safe for the passangers and the boats; and if this had been done after previous visitation—finding the usefullness and necessity of the same—he could have had no shaddow of complaint. After a tedious and expensive lawsuit I was decerned to throw down that gathering of stones and to replace the other stones upon his side of the river—both which I performed in compliance and obedience to the sentence. Nevertheless the said William Forrest did injuriously cause

apprehend me, by vertue of a caption upon the same decreet, and imprison me within the tolbooth of Lanark, where I was detained for a considerable space and denied the accomodation of fire and candle, as if I had been a malefactor, and yet, as said is, the will of his decreet and command of his letters and charge against me had been duely performed by the said petitioner before, whence it was very evident thet his dilligence against the petitioner and execution thereof was both malicious and ane atrocious riot. The said Justices of the Peace knew and the said John Jack, petitioner, beged leave to remind them that this passage at Crossford was not only very usefull, but necessary to be mentained and kepted up; and that consideration moved the honourable Commissioners of Supply, in the month of May last, to grant assistance for repairing and fitting up the ferry boats and cleanshing the channel of the river. The said petitioner should be very much short of his duty did he ommitt to lay before the saids Justices the difficulty and unpracticableness of the publick service through these big stones being replaced. It is most certain that when the water is high the boats must strike upon these stones, to the great damage and hazard not only of the boats, but also of the passangers; and it is no less certain that it was still the custom to remoue such stones when they did obstruct the passage—yet it was obviously necessary: the saids Justices were the immediat guardians of publick passages and roads. Our very latest Statutes have of new intrusted them therewith and committed to them, in special, the care and direction thereof. To them therefore the said petitioner ought most suitably make his adress, and therefore craved the saids Justices of Peace to appoint such of their own number to visit the said passage and to consider how far it was necessary for the safty of his Majesties leidges, and of the boats, that these big stones be removed—with power to them to order and direct what they should find to be just in that matter and necessary for the safe passage and landing upon that side of the river; and likeways to committ to them to call the said William Forrest before them to answer for the riot and

injury abovementioned committed by him against the said John Jack, petitioner, and to give the said petitioner such redress and reparation as they should find just, as the said petition in itself fully bears. Which petition, being this day seen and considered by the said Justices of Peace, they remitted to Sir James Steuart of Coltness, the Lairds of Stonebyers and Raploch, Captain Walter Lockhart of Kirktown, David Crawford of Allantown and Dalserff, Sherriff-deput, or any two of them, to meet at Crossfoord, upon such day as they should think fitt, to appoint and to call before them the said William Forrest of Malshockmilne and the petitioner and such other persons as they should think proper, for clearing the subjects of the within petition and, after visitation of the passage and examination of the facts above presented, to determine therein as they should find just, or to report to the nixt Quarter Session ; and they recomended to the saids gentlemen to dispatch the said matter with all conveniencie, as ane judicial act made thereupon, written upon the back of the said petition and duely subscribed by the preses of the said Generall Meeting and Quarter Session, bears. Whereupon Alexander Wilson, writer in Lanark, in name of Malshockmilne, protested that whatever might be done by the saids Justices of Peace in this matter might be but prejudice of the Lords of Session their decreet.

Att Lanark, the thertieth day of October J^mvii^c and twenty two years, being a Quarter Session.

Sederunt—Major Gavin Hamilton of Raploch, Captain Walter Lockhart of Kirktown, George Muirhead of Whitcastle, William Inglis, eldest magistrat of Lanark for the time.

The said Justices of Peace elected and choised the said Major Gavin Hamilton of Raploch preses.

The Rolls of the constables were called and new nomination made, as use is, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the fifth day of March J^mvii^c and twenty three years, being a General Meeting and Quarter Session.

Sederunt—Gilbert Kennedy of Auchtifardell, Allan Lockhart of Cleghorn, William Bertram of Nisbet, younger, William Inglis, eldest magistrat of Lanark for the time being.

The said Justices of Peace present elected the said Gilbert Kennedy of Auchtifardell preses.

The Rolls of the constables were called *in communi forma*, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the seventh day of May J^mvii^c and twenty three years, being a Quarter Session.

Sederunt—Sir James Lockhart of Carstairs, Barronet, Gilbert Kennedy of Auchtifardell, William Inglis, eldest magistrat of the burgh of Lanark for the time, James Stewart of Allantown, William Hamilton of Overtown.

The said Justices of Peace present elected the said Gilbert Kennedy of Auchtifardell preses.

The said day the Justices of Peace, in pursuance of a letter direct to them by Major Gavin Hamilton of Raploch, and upon the application therein mentioned, appoints a committee of their number, viz. Sir James Stewart of Coltness, advocat, James Hamilton of Dalziel, Archibald Nisbet of Carphin, Mr. David Crawford of Allantown and the said Major Gavin Hamilton himself, to meet at Laverockhall upon the eleventh of May instant, upon such affairs as shall be brought in before them the said day.

The said day the saids Justices of the Peace, in respect of the smallness of their number, ordains the write anent the making of linnen cloath—exhibited before them this day—to be transmitted to the Justices of Peace for the district of Glasgow, and recomends to them to joyn with the magistrats of the burgh of Glasgow thereanent, being the place where the greatest part of the linnen cloath is made within this shire.

The said day the Rolls of the constables were called and new nomination made, as use is, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the sixth day of August J^mvii^c and twenty three years, being a Quarter Session.

Sederunt—Mr. Archibald Hamilton of Dalserff, advocat, Captain Gavin Hamilton of Raploch, James Hamilton of Aikenhead, Allan Lockhart of Cleghorn, William Cochran of Rughsoyle, James Hamilton of Dalziel, William Inglis, eldest magistrat of Lanark, [—] Corbet of Towcorse, [—] Muirhead of Bradisholm, William Hamilton of Overtown, David Crawford of Allantown.

The said Justices of Peace present elected the said James Hamilton of Aikenhead preses.

The Rolls of the constables were called *in communi forma*.

The said day the said Justices of the Peace this day mett, by plurality of voices, appoints the Quarter Session of this shire to be at Lanark and Hamilton *per vices*, in time comeing, and appoints the nixt Quarter Session to be at Hamilton upon the last Tuesday of October nixt; and appoints the clerk to acquaint the Justices of Peace thereof, as the Minutes of the said Quarter Session, signed by the said preses, bears.

Att Lanark, the twenty third day of August J^mvii^c and twenty three years, in presence of Captain Daniel Vere of Stonebyers and Allan Lockhart of Cleghorn, two of his Majesties Justices of Peace for the shire of Lanark, compeared personally William Baillie, Officer of Exise at Lanark, and Robert Forrest, Exise Officer at Carnwath, pursuant to the laws made anent exise and duties upon lether, etc., and their commissions given to them for executing the office of a gadger or officer of exise within their respective divisions, ordaining them to make affidavit for their faithfull execution of the said office. Wherefore the said William Baillie and Robert Forrest did swear and subscribe the oath underwritten, in presence of the said Justices of the Peace, as follows :—

I, under subscriber, do swear to execut the office of a gadger or officer of exise, truely and faithfully, without favour or affection; and shall from time to time true account make and deliver to such person or persons as his Majesty shall appoint to receive the same, and shall take no fee or reward for the execution of the said office from any other person than from his Majesty, or these whom his Majesty shall appoint in that behalf. So help me God. *Sic subscribitur*, W. BAILLIE, Officer of Excise, ROBT. FORREST, Officer of Excise.

The said William Baillie and Robert Forrest did swear the oath of allegiance to his Majesty King George, and also the oath of abjuration, and subscribed the same with the assurance, as the Minutes thereof, signed by the saids Justices of Peace, bears.

Att Lanark, the twenty third day of Apprile One thousand seven hundred and seventeen years. Anent the complaint and information raist, intended and pursued before Sir James Lockhart of Carstairs, Barronet, Sir Robert Denham of Westshield, Barronet, Mr. Alexander Meinzie of Coulterallars, advocat, Gilbert Kennedy of Auchtifardell, William Bertram, younger of Nisbet, Mr. Archibald Hamilton of Dalserff, advocat, Sherriff-deput of Lanark, Captain Walter Lockhart of Kirktown, and John Russell, eldest magistrat of the burgh of Lanark, gentlemen, Justices of Peace for the shire of Lanark convened this day and place for the time. In which meeting the said Sir James Lockhart was elected preses. At the instance of Sir James Carmichaell of Bonnietown, Barronet, and James Aikman, Writer in Lanark, pror. fiscal to the saids Justices of the Peace, for his interest, against Walter Sandilands, son to William Sandilands in Drumalben, William Forrest in Wichknow of Sandilands, William Forrest in Sandilands, [—] McCall in Ponfeigh, William Bocket and James Miller in Eastertown of Fockertown, John Hunter, younger in Lanark, son to James Hunter, tailzour there, William Vessie there, William Muir, glover there, James Anderson there, Robert Inglis there, Thomas Watson there, William

Bertram there, Alexander Ralston, drummer there, John Kerr at the West Port there, John Hastie at the New Wall there, John Hastie in the Hightown there, William Thomson, weaver there, Thomas Anderson, servitor to William Thomson, writer there, James Lamb, servitor to James Lamb, maltman there, William Miller, son to David Miller, weaver there, and James Walker, servitor to Mr. John Young, merchant there—makeing mention that where, by ane Act Ja. 2^d, Parl. 14, cap. 80, anent plantation of woods and hedges and saveing of broom, the Lords thinks speedfull that the King charge all his free holders—both spiritual and temporal—that in the makeing of their Whitsundays sett, they statute and ordain that all their tennants plant woods and trees and make hedges and sow broom, after the faculties of their maillings, in places convenient therefor; and by ane other Act, Ja. 4, Parl. 6, cap. 74, it is statute and ordained anent policie to be holden in the country that every Lord and Laird make them to have parks with hedges and to plant wood, as in the said Act contained; and by ane other Act, Ja. 5, Parl. 4, cap. 10th—ratifieing the former Laws—it is statute and ordained that every man, spiritual and temporal, within this realm, haveing ane hundred pound land of new extent be year, may expend so meikle to plant woods and forrests and make hedges and haining for himself, extending to three acres of land above or under, as his heritage is more or less in places convenient. It by ane other Act, Ja. 6, Parl. 19, cap. 3, ratifieing and approveing all Acts of Parliament made of before for conservation of planting and policy. It is further statute and ordained that whosoever shall be found hereafter to break down his neighbours woods and park dikes, fences, stanks, inclosures to pasture within the saids fences, cutt trees or shear grass within the same shall be conveyened and called therefore as a breaker of the law either before the Privie Council or any other ordinar magistrat within this realm at the option of the party complainer, and the penalty to be imposed and taken of the contraveeners before the saids ordinar inferior judges not to exceed the sum of forty pounds money of this realm. But prejudice allways of

putting all former Acts of Parliament made thereanent to execution after the tenor thereof in all points, and by ane other Act, Cha. 2nd, Parl. 1, Sess. 1, cap. 41, reviving the former laws and ordaining the same to be put to execution in time coming conform to the tenor thereof in all points, and allowing all heretors, woodsetters and liferenters to plant, ditch and inclose ground, and for the further encouragement of heretors, woodsetters and liferenters to go about the ready observance of the said Act, liberty and power is granted to them at the sight of the Sherriffs Steuarts, Lords of Regalities, Barrons and Justices of Peace in their respective bounds to cast about the highways to their conveniency, providing they do not remove them above two hundred elns upon their whole ground, excepting always therefrom burrow and incorporal acres which are no ways to be imparked or inclosed unless the heretors thereof shall think it meet and expedient ; and further, it is statute and ordained that whosoever shall break down the hedges or dikes of the saids inclosures or be found within the same, being a stranger, shall be held and reput a breaker down thereof and pay five pound for every fault, or if he be n[ot] able to pay the said five pound, to work ten days to the owner of the said ground for meat and drink, and by ane other Act, James Seventh, Parl. 1, cap. 39, ratifying the former laws and Acts of Parliament, and further statutes and ordains that no person shall break down or fill up any ditch, hedge or dike, whereby ground is inclosed and shall not leep or suffer their horse, nolt or sheep to go over any ditch, hedge or dike under the pain of ten pound Scots *toties quoties*, the half thereof to be applied to the heretor and the other half for repairing and mending of bridges and highways within the paroch at the sight of the Sherriff Steuart or Justice of Peace before whom the contraveener shall be pursued. Conform to which laws and Acts of Parliament, and by vertue thereof, the said Sir James Carmichaell had marched and meithed off a considerable quantity and plot of ground of his lands of Bonietoun, lying south and south-east to his mansion-house of Bonietown, commencing from the avenew which leads from

his said mansion-house to the town of Bonietown, and from the head of the said avenew, leading and runing south-eastward upon the ways which leads to the ferrie boat of Crookboat, stenting at the brew of the hill and march which dividis betwixt his lands of Bonietown and the lands of Boathaugh, belonging in property to the Right Honourable James, Earle of Hyndford, and William Lithgow in Boathaugh, his vassal, and the said meath or march of his said inclosure, running from thence amongst the said march dividing betwixt his saids lands of Bonietown and the said lands of Boathaugh, straight westward to the River of Clyd, which surrounds the other side of his said inclosure and the end of his meathing of the said inclosure, is within two hundred elns of the foard and house of Tillieford, belonging to me, standing upon the side of the said River of Clyd ; and in prosecution of his said designe of inclosing of the said piece or plott of ground, he had reared up and built a dyke of stone and lime for a considerable space of way thereof and had laid down stone and lime for rearing up and building of the remanent dyke of his said inclosure. YET NOTWITHSTANDING THEREOF the saids persons before and after-named, viz. Walter Sandilands, son to William Sandilands in Drumalben, William Forrest in Wichknow of Sandilands, William Forrest in Sandilands, [—] McCall in Ponfeigh, William Brocket and James Miller in Eastertown of Fockertown, John Hunter, younger in Lanark, son to James Hunter, tailzour there, William Vessie there, William Muir, glover there, James Anderson there, Robert Inglis there, Thomas Watson there, William Bertram there, Alexander Ralston, drummer there, John Kerr at the Westport there, John Hastie at the Newwall there, John Hastie at the Hightown there, William Thomson, weaver there, Thomas Anderson, servitor to William Thomson, Writer there, James Lamb, servitor to James Lamb, maltsman there, William Miller, son to David Miller, weaver there, James Walker, servitor to Mr. John Young, merchant there—CONTRAIR to the foresaid laws and Acts of Parliament, and in manifest contempt thereof, had not only threatened and menaced to cast and throw down the said new

built dike of his said new inclosure, but also, in a violent manner, had entered upon the said new dike and rifled and pulled down some parts thereof at several places of the said dike, and made ways and passages for and with man and horse, through the said inclosure, contrair to the tenor and intent of the foresaid laws. And therefore, in all law, equity and reason, the foresaid persons above complained upon ought and should not only be fined and punished with the pains of law for the foresaid offence—to the terror of others, to commit the like in time comeing—but also ought and should have been decerned to find sufficient caution in lawburrows acted in the Court books of the saids Justices of Peace, to keep the said pursuer harmless and skaithless of them in his said inclosure and dikes thereof, in time comeing; and in like manner the said pursuer humbly beseeched the saids Justices of Peace to take the premisses to their further consideration and, upon their own personal views or upon the testimonies of witnesses, to visit and be informed that by vertue of the foresaid laws and Acts of Parliament the said pursuer might lawfully inclose the foresaid peice or plot of ground and build dikes thereupon for preserving the samine by the saids Justices of Peace their sight and direction, and being swa verefied and found. The said pursuer humbly beseeched the saids Justices of Peace to discharge the persons abovenamed, and all others whatsoever, from using or makeing use of any roads or ways within or throughout my said new inclosure, or ryfling, casting down or any ways destroying of the saids dikes thereof, built or to be built at any time hereafter, and that under the pains mentioned in the foresaid laws and Acts of Parliament; and also humbly intreated the saids Justices of Peace to authorize and command intimations of their sentance following thereon to be made at the most patent doors of the adjacent paroch kirks upon a Sabath day immediately after divine service in the forenoon, that none might pretend ignorance thereof in time comeing, and therefore lawfully summonding, warning and chargeing the saids hail defenders abovenamed, by John Carmichael, constable officer, all personally appre-

hended except the saids Thomas Watson in Lanark, John Hastie in the Hightoun there, William Bertram there, William Forrest in Wichknow of Sandilands, Thomas Anderson, servitor to William Thomson, Writer in Lanark, James Lamb, servitor to James Lamb, maltman there, and James Walker, servitor to Mr. John Young there, who were summoned at their respective dwelling-houses and the dwelling-houses of the masters of the saids servants—after using six several knocks upon the most patent doors of the saids dwelling-houses because the said constable could not apprehend them personally—and the said constable intimat the said summons to the saids Thomas Watson, William Bertram, John Hastie in Hightoun and William Forrest in Wichknow, their several wives at their saids respective dwelling-houses; and also intimat the saids summons to the said James Lamb, master to the said James Lamb, younger, and to Mrs. Thomson, mistres to the said Thomas Anderson, and to Anna Inderweek, servitrix to Mr. Young—all of the saids defenders to have compeared before the saids Justices of Peace in a court to be holden by them or any quorum of them within the tolbooth of Lanark this day in the hour of cause, to have ansuered at the instance of the saids pursuers—that is to say, to have heard and seen the premisses sufficiently veriefed and proven, and if need were to have given their respective oaths of verety thereon, and being swa veriefed and proven, to have heard and seen themselves decerned *ut supra*, as in the principal complaint and information given in thereanent and executions thereof at more length is contained. The saids pursuers compearing personally, who declared they referred the verity of the points and articles of the said complaint to the saids defenders, their respective oaths of verity simpliciter, except as to the said William Muir, glover in Lanark, as to whom they raised probation of the said complaint, and the said Walter Sandilands, son to William Sandilands in Drumalbenhill, being present, solemnly sworn and examined, he deponed negative to the lybell. *Sic subscribitur*, WALTER SANDILANDS. The said John Hunter, younger, son to James Hunter, tailzour in Lanark, being personally present,

solemnly sworn and examined, deponed negative to the lybell, and this is the truth, as he should answer to God. *Sic subscribitur*, JOHN HUNTER. The said William Vessie in Lanark, being present, solemnly sworn and examined, deponed *ut supra*, and this is the truth, as he should answer to God. *Sic subscribitur*, WILLIAM VESSIE. The said William Muir, glover in Lanark, compearing personally, he denied the lybell. The said pursuer, for proveing of the said lybell against him, adduced Joseph Russell, smith in Bonietown, John Gilkerson his servant, John Wallace, tennant in Bonietown, and upon calling of the saids witnesses to the barr to be examined, the said William Muir, defender, judieially aeknowledged that he had rashly menaced and threatened to his power to pull down the said dike, but the saids words were rashly expressed by him and he now repented himself of the same, and he asked the pursuer forgiveness for the same. *Sic subscribitur*, WILLIAM MUIRE. And the saids Justices of the Peace haveing considered the said William Muir, his judicial aeknowledgement, they ordained the said William Muir to find sufficient caution in lawburrows acted in their Court Books for keeping of his Majesties peace towards the pursuer and all others his Majesties leidges, as ane judicial Act made thereupon, duely subscribed by the preses of the said meeting, bears. Thereafter the said Sir James Lockhart of Carstairs, preses in the said meeting, Sir Robert Denham of Westshield, Barronet, Mr. Alexander Meinzie of Coulterallars, advocat, Gilbert Kennedy of Auchtifardel, and William Bertram, younger of Nisbet, gentlemen, Justices of Peace and members of the said meeting, informed the remanent Justices of Peace, convened in the said meeting, viz. Mr. Archibald Hamilton of Dalserff, advocat, Sheriff-deput of Lanark, Captain Walter Lockhart of Kirktown and John Russell, eldest magistrat of the burgh of Lanark, that at the pursuers desire, they past this morning to the ground of the said peice and plot of ground, lybelled about to be made in ane inclosure by the pursuer, and rod passing through the samine to the Tillieford, with the dike of lime and stone reared up and built by the pursuer for a consider-

able space of way about the said inclosure, with the meiths set down by the pursuer for rearing up and building the remanent of the said dike for inclosing the said inclosure, and stone and lime laid down by the pursuer for that use, and perambulat and visited the same, and upon their view thereof they understood that some parts of the said dike had been ruffled and pulled down—altho' they knew not by whom the same had been done, and also they understand that the said road going through the said peice of ground to be made ane inclosure by the pursuer, was not—to their judgment—nor never had been looked upon as ane highway nor kirk road, and albeit the samine had been such, yet the pursuer was within the description of the Act of Parliament allowing the pursuer liberty and power to cast about the said way two hundred elns, and that the end of the said dike and meith thereof at the side of the River of Clyd is within the said space of two hundred elns from the mouth of the said ford and house of Tillieford, belonging to the pursuer, like as the said William Bertram, younger of Nisbet, baillie and chamberland to his Grace the Duke of Douglas, in his Graces name and by his warrand, declared to the saids Justices of the Peace conveened in the said meeting, that his Grace the Duke of Douglas freely consented to the said pursuers makeing of the foresaid inclosure, and in testimony of the verity of the premisses the saids five gentlemen, Justices of the Peace foresaids, subscribed the same. *Sic subscribitur*, J. LOCKHART, ROB. DENHAM, J.P., GILBERT KENNEDY, ALEX. MEINZIES, J.P., W^m BERTRAM, J.P. WHEREUPON the said John Russell, eldest magistrat of the burgh of Lanark and one of the Justices of the Peace met in the said meeting, for himself and in name and behalf of the remanent magistracy of the said burgh and community thereof, protested that whatever might be the procedure of the saids Justices of the Peace convened for the time, in the matter before mentioned, that the samine be but prejudice to any right or title they can acclame to the foresaid road going through the said plot and peice of ground about to be made in ane inclosure by the pursuer, for earrieing of coals to the said

burgh from his Grace the Duke of Douglas, his coalheughs upon the Water of Douglas, and the Earle of Hyndfords coalheughs of Ponfeigh, and protested for remead of law and took instruments thereupon in the hands of James Carmichael, clerk to the saids Justices of Peace, in presence of James Aikman, Writer in Lanark, and Thomas Watson and Allan Ogill, servitors to the said clerk of Court. WHEREUNTO IT WAS ANSWERED by the said Sir James Carmichaell, pursuer, that the foresaid road was no highway or kirk road and that he knew no right or title the burgh of Lanark could pretend to the said road for a coal road, nor did he think that the same had any priviledge as a coal road contrary to his inclinations, such as a highway or kirk road may have, but albeit the same were such as a highway or kirk road, yet he had power, be the foresaid Act of Parliament, to cast the same about throughout his land two hundred elns ; and that he was within the said bounds, and as to the pretentions of the benefitt of his Grace the Duke of Douglas's coalheughs, the same was fully removed by his baillie and chamberlands information above specefied ; and as to what pretentions the Earle of Hyndford might have upon the account of his coalheughs for stoping of the said inclosure, the same was also removed, not only by letters under his hand to the pursuer consenting to his inclosing of the said peice of ground, but also by the said Earle of Hyndford his exchanging peices of ground with the pursuer for makeing of the said inclosure and dykes thereof regular, which consisted in the knowledge of the said clerk of Court, as writer in the country to the said Earle of Hyndford ; which the said clerk of Court judicially acknowledged, consisted in his knowledge. As also the said Gilbert Kennedy of Auchtifardell consented that the pursuer carried on the said inclosure notwithstanding it might be presumed that [h]is tennants in Fockertown might sustain greater loss thereby than any other person or persons whatsoever in the countrey. And the saids Justices of Peace, conveened and mett in the said meeting, haveing taken to their serious consideration the foresaid information and complaint, made to them by the pursuer,

and probation used by him against the defenders, for proveing of the riot lybelled against them, they found that the pursuer had not proven his lybell as to the said riot lybelled, except as to William Muir, glover, and therefore assoilzies the saids defenders, except the said William Muir, from the said riot lybelled alledged [to have been] committed by them in time past. AND NOTWITHSTANDING thereof the saids Justices of the Peace (except the said John Russell, eldest magistrat of Lanark), all in one voice, found that the said pursuer, by vertue of the foresaid laws and Acts of Parliament lybelled, had just right and title to make ane inclosure of the foresaid peice and plot of ground lybelled, and to build and inclose the same by dykes, ditches, hedges or otherways at his pleasure. And DISCHARGED and HEREBY DISCHARGES the saids defenders, and all others whatsomever, from entering into the said plot and peice of ground and from makeing any passages or ways through the samine for man and horse or otherways in all time comeing, under the pains mentioned in the Acts of Parliament lybelled. AND ORDAINS their said sentence to be published by the constables at the adjacent kirk doors in the terms lybelled, as the saids Justices of the Peace, their decret and sentence given thereupon, bears.

Decreet: James Aikman, pror. fiscal to the Justices of Peace, *against* Johnstowns, Scott and Kerr, sorners.

Att Lanark, the ninth day of December One thousand seven hundred and eighteen years—ANENT the complaint and information raist, intended and pursued before the Justices of the Peace for the shire of Lanark, convened for the time, at the instance of James Aikman, Writer in Lanark, pror. fiscal to the saids Justices of the Peace, against John Johnstown, who designed himself to be ane inhabitant in Wamphreygate in Annandale, John Johnstown, younger, his son, a tinker, Thomas Johnstown, also his son, Robert Scot in Hescome¹—two miles distant from Pirath² in West-

¹ Hescome, now Askham, 2 miles south of Penrith.

² Penrith.

moreland in England—and John Kerr, sometime in Kelsay, and frequently resorting to Carlile—passing under the name of tinkers—MAKEING MENTION, THAT WHERE, by Act Ja. 1st, Parl. 1, cap. 5, it is statute and ordained that no man ride or gang with moe men nor may suffice, and for whom he will make payment; Act Ja. 1st, Parl. 1st, cap. 7, the Parliament statutes and the King forbids that no companies pass in the country to ly upon any of the Kings leidges, or thig or sojurn horse, either on kirkmen or husbands of the land; and gif any complaint be made of sick trespassors to the Sherrif of the land, that he arrest sick folk and challenge them and tax the Kings skaith upon them; and gif they be convict of sick trespas, that they be punished and find burrows till assyth the King and party complainand; and gif sick persons takes any skaith in the arreisting of them, it shall be impute to themselves, and in case that no complaint be made to the Sherriff, the Sherriff shall enquire at ilk head court that he holds gif any such forefaltures be within his sherriffdom, and if any beis found, that they be punished as is before written. [By] Ja. 2, Par. 6, cap. 21, it is statute and ordained that inquisition be made by all judges against sorners, masterfull beggars, bards and mad folks to be punished by imprisonment, so long as they have of their own to live upon, and frae they have not, by nailing their lug, cutting off their ear and bannishment; and if they be found again, that they be hanged. [By] Act Ja. 2, Parl. 11, cap. 45, it is statute and ordained, wherever sorners beis overtane in time to come, that they be delivered to the King's Sherriffs, and that furth with the Kings Justices do law upon them as upon a thieff or r[e]liver; ratified [by Act] Ja. 3, Parl. 10, cap. 78, [where] it is statute and ordained for the stanching of masterfull beggars, sorners that daily oppresses and herries the Kings leidges. It is statute and ordained that the old statute made of before, in King James the first, be put to sharp execution but favour. That is to say, wherever any common sorners beis overtane in time to come, that they be arreisted and delivered to the Kings Sherriffs, and that they be forthwith brought

to the Kings Justice to do and execute the law on them as on a common thieff and r[e]liver. And that dittay be taken thereof yearly and punished, as said is, in the Justice air—PURSUAND TO which laws and Acts of Parliament abovementioned, and other laws and Acts of Parliament made against vagabonds, sorners, masterfull, idle and loose persons, the saids Justices of the Peace for the shire of Lanark, by their Act and ordinance of the date the twenty second day of May J^mvii^c and eleven years, WILLS, COMMANDS AND REQUIRES wherever any such vagabonds, Egyptians or other vagabonds, masterfull, idle and loose men and women, with armes or without armes, shall happen to be within the said shire, or wherever they, or any of them, shall happen to repair in the said shire, that all and every constable and constables within every paroch thereof, and all others, her Majesties leidges, knowing them or amongst whom they resort, shall, with all possible speed, certify that the nixt Justice or Justices of the Peace or some of the chieff persons of authority and credit dwelling within the same shire, that such persons are within the same. And further, upon knowledge of their being in or repairing to the bounds of the said shire, that the saids constables and others, her Majesties leidges, every one of them, do their execut dilligence at the utmost of their power, in searching, takeing and apprehending of any such vagabonds, Egyptians or other vagabond sorners, masterfull, idle and loose men and women, and presenting of them to Justice, or in following them while they be taken or expelled and put furth of the shire. NOTWITHSTANDING OF WHICH LAWS and Acts of Parliament the said John Johnstown, who designed himself to be an inhabitant in Wamphrygate in Annandale, John Johnstown, younger, his son, a tinker, Thomas Johnstown, also his son, Robert Scot in Hescome—two miles distant from Pirath in Westmoreland in England—and John Ker, sometime in Kelsay, and frequently resorting to Carlile—passing under the name of tinkers—was found sorning in the high country, and particularly in the head of the paroch of Lesmahagow, armed and going under armes, with swords, forks and other like

instruments, accompanied with four wives and three younger women, and three younger children, and two horses, and at their own hand did possess themselves upon Friday, the fourteenth of Nover. last, in a kilne belonging to James Thomson in Cummerhead, and there lodged themselves for the night following, and upon the Saturday thereafter went to the Waterhead, about a mile distant from the other place, and there possessed themselves of ane other kilne at their own hand, and continued therein for the Saturdays night, Sabbath night, until the Munday morning and forenoon, and at both places at their own hand, forced fewal for fire, and furrage for their horses, and LIKEWAYS stole furth of a house, which they violently broke up at their own hand—possessed by Isobell Cassels, a cottar to Gavin Weir in Waterside—a pair of blankets; and the house being found broken and the blankets wanting, the said Gavin Weir in Waterside, Robert Lawson in Auchrobert, and Archibald Loudoun in Skelliehill, went to the said abovenamed persons complained upon, in a muir betwixt Auchrobert and Brakenridge, and there required and demanded of them to go with the said Gavin Weir, Robert Lawson and Archibald Loudoun before some or one of his Majesties Justices of the Peace, to give account of themselves and to answer for what they had done in the country. Upon which the saids John Johnstown, elder, and younger, Thomas Johnstown, John Kerr and Robert Scot, with the foresaid wives, young women and children with them, not only resisted and refused to give obedience to the foresaid command, but also fell upon the said Gavin Weir, and cutt and wounded him with their swords, and struck and threw down the persons of the saids Robert Lawson, and struck him with heavy strokes until he swarfed; and ran at the said Archibald Loudoun and cut him with a sword, and ran at the person of William Meikle in Skelliehill with a pykefork, and fought until they were disarmed; and vowed that if they had had fire armes and shot they would have made the said Gavin Weir, Robert Lawson, Archibald Loudoun, and some of them, ly dead on the ground. And frequently—after they were made

prisoners—vowed and swore solemn oaths that they would be revenged of the said four men if it were seven years afterwards. As also the foresaid pair of blankets—which were stolen from the said Isobel Cassels furth of her house, broken up as said is, was found hid in a heather bush haped into a leather apron belonging to the persons complained upon, near unto the place where they were first attacked and apprehended. Whcrethrough the saids persons, complained upon, were guilty of the breach of the foresaid laws and Acts of Parliament abovenarrated, and ought and should have been punished as thieves, robbers, vagabonds, sorners, idle and masterfull, loose persons, with the pains of law abovementioned. AND THEREFORE LAWFULLY SUMMONDING, WARNING AND CHARGEING the saids John Johnstown, John and Thomas Johnstowns, Robert Scot and John Ker, defenders foresaid, by John Purdie and Thomas Blyth, constables, all personally apprehended, to have compeared before the saids Justices of the Peace for the shire of Lanark, or any quorum of them, within the tolbooth of Lanark, upon the twenty second day of November last bypast, in the hour of cause, to have answered to the foresaid complaint and information, as in the samine and executions thereof at length is contained. And which being called in presence of the Justices of the Peace, convened for the time upon the said twenty second day of November last bypast, the said pursuer compearing personally, and the saids defenders being all brought personally to the barr and the lybell read in their presence, they proponed no defences for themselves in the foresaid matter, but only a denyal of the facts lybelled against them. WHEREFORE the saids Justices of the Peace, convened for the time as said is, haveing considered the foresaid complaint and information, they found the same relevant to be proven by the pursuer and admitted the same to his probation and ordained him to adduce his witnesses for proveing thereof, who accordingly gave in dilligence against the witnesses, after deponing ; who, being called to the barr, and no objection proponed against them by the saids defenders, they deponed as follows, viz. :—

Robert Fleming, servitor to Gavin Weir in Waterside, present, of the age of nineteen years or thereby, unmarried, solemnly sworn, purged of partial council, malice, and examined, deponed that upon Saturday, the fifteenth of November last bypast, at little before sun sett, thir defenders, accompanied with women, old and young, and some bairns, came to his masters house at Waterside and abode a little time there, and thereafter parted themselves into two companies, one of them going up the one side of the water, and the other on the other side of the water; and that he saw the saids Robert Scot and John Johnstown, younger, go up that side of the water that Isobel Cassels house stands on, and a little time after they had gone by Isobel Cassels house, she went into her house, which she found was broke up, and she, wanting her pair of blankets, came into Gavin Weirs house and told she wanted the blankets; upon which he, the deponent, and others with him, went to the waterhead, where they found the defenders and their company, lodged in the kilne of Waterhead, haveing a fire burning before them; and he, the deponent, and these with him, searched for the blankets that night, but did not find the blankets. And deponed that upon the Munday thereafter, in the morning, the saids Gavin Weir, Robert Lawson and others with them, went to search for the blankets of new again and to carrie the saids defenders, and their company, before Sir William Weir of Blackwood, one of the Justices of Peace, to give account of themselves and to be tried. Which the defenders and their company refused to do, but fell in fighting, and all went through other. In which conflict Gavin Weir received a wound upon his hand, and the deponent saw one of the women throw Gavin Weir down to the ground, and the deponent saw much strugling and fighting in that conflict but could not be clear upon it by whom in particular it was done, being then relieving his master, Gavin Weir, from amongst their hands. And further deponed that he heard the saids defenders threaten and menace the said Gavin Weir and John Thomson in Holmhead to be about with them afterwards, for he knew their houses. And

further deponed that Robert Lawson in Auchrobert, after the conflict was over, sent Isobel Cassels her blankets with one of his daughters, who reported that her father found them in the moor where the conflict was, in a heather bush, lapped into a tinkers apron. *Causa scientiae patet*; and this is the truth as he should answer to God. *Sic subscribitur*, ROBERT FLEMING.

The said John Steel in Waterhead, present of the age of fourty years or thereby, married; solemnly sworn, purged of partial council, malice, and examined, deponed that upon Saturday, the fifteenth of November last, the five defenders before named, with a company of women and bairns, came to his house in Waterhead and took up their lodgeing in his kilne of Waterhead, without any liberty of him or any of his family, to his knowledge, and continued there to the Munday morning; and had a fire before them in his kilne and got straw from him to ly on but no furradge for their horse—being two horses. And deponed that he saw the defenders to have two swords and a fork; and deponed that upon the report of Isobel Cassels wanting her blankets, the saids Gavin Weir, Robert Lawson and others came to carrie the defenders before the saids Justices of the Peace—which they refused, and thereupon fell in fighting with the said Gavin Weir and others; and deponed he saw a wound and bruise upon Gavin Weirs hand, and saw a wound upon Archibald Loudouns hand which he said he received by a sword, and also deponed that he heard threatenings made be the defenders against the said Gavin Weir and the other persons which were with him; and deponed they got no fewal from him or any of his family, to his knowledge, to be their fire; and deponed he heard the saids defenders offer to satisfy for the blankets if they would let them go. *Causa scientiae patet*; and this is the truth as he should answer to God. *Sic subscribitur*, JOHN STEEL. ROBERT LAWSON IN AUCHROBERT, being present of the age of fifty years or thereby, a widow, solemnly sworn, purged of partial council, malice, and examined, deponed that upon the Munday morning, being the seventeenth of November last, after that the defenders had made their departure

from the kilne of Waterhead—upon the report that Isobel Cassels wanted a pair of blankets, the deponent mett with the said Gavin Weir and others to search for the blankets from the saids defenders, where they mett them upon the open muir between Waterhead and Brakenridge, and upon their offer to make the search and to carrie the defenders before the saids Justices of the Peace, the saids defenders refused and resisted the countrymen and would not go before the said Justices of the Peace, and fell a fighting with the said countrymen ; and deponed that he saw one of the defenders, named Robert Scot, draw his sword, and thereupon the deponent took hold of him and wresled with him down a brae, and then the sword was taken from him ; and deponed he saw ane other sword with the defenders, and also deponed that he saw John Johnstown, one of the defenders, to have the ends of a fork upon his belt which he vized into a shaft of timber which he carried on his arm to push with. And deponed he saw the said Gavin Weir and Archibald Loudoun to be wounded, and the said Archibald Loudoun bleeding ; and deponed that the defenders had two horses with them, and also deponed that, after the defenders were overcome and disarmed, he heard the defenders regrave that they had not made better use of their time and made a sacrafise of the said countrymen. And also deponed that he, the deponent, found Isobell Cassels pair of blankets lapped into a tinkers apron near about the place where the foresaid conflict was made, and that the deponent sent the blankets to Isobel Cassels ; and deponed that he knew the defenders and that they were lodged in the Waterhead kilne upon the Sabath and Sabath night preceeding. *Causa scientiae patet* ; and this is the truth, as he should ansuer to God. *Sic subscribitur*, ROBERT LAWSON. WILLIAM MEIKLE IN SKELLIEHILLS, being present of the age of fourty years or thereby, married, solemnly sworn, purged of partial council, malice, and examined, deponed that upon the Munday morning foresaid, when Gavin Weir and the other countrey men and the deponent came to the defenders to search for Isobel Cassels blankets and carrie them before a Justice of Peace,

the saids defenders, accompanied with the women and bairns with them, made resistance and fell in fighting with the country men; and deponed that he saw the saids Robert Scot and John Kerr, two of the defenders, to have swords, which they drew in the conflict, and saw John Kerr strike desperately with his sword, and also he saw the said John Johnstown, elder, have the foresaid fork, and that he pushed with the same at the deponents breast, and that he, the deponent, and the said John Johnstown, wrestled together and broke the fork in peices; and deponed that he heard the defenders threaten the said Gavin Weir and John Thomson to be about with them if it were seven years afterwards. *Causa scientiae patet*; and this is the truth, as he should ansuer to God. *Sic subscribitur*, WILLIAM MIKLE.

THE SAID ISOBELL CASSELS in Waterside, present, solemnly sworn and examined, deponed that upon Saturday, the fifteen of November last, about ane hour after that the defenders past from Gavin Weirs house in Waterside, she went from the said Gavin Weirs house into her own house, where she found a pair of blankets to be wanting—which was marked two double W^s in red worstet; and deponed that upon the Twesday thereafter, and posterior to the foresaid conflict, the saids blankets—marked as aforesaid—was returned to her be the said Robert Lawson be his youngest daughter; and this is the truth, as she should ansuer to God. *Sic subscribitur*, ISOBELL CASSELS.

After emitting of which depositions of witnesses the saids Justices of Peace continued their court to the second day of the said month of December instant, and ordained the saids defenders to be remitted back to prison and to be kept under sure custody untill their liberation were ordered by due course of law, as ane judicial Act made thereupon bears. And the said complaint and information being upon the said second day of the said month of December instant again called, in presence of the saids Justices of the Peace then conveened for the time, the said pursuer compearing personally and the saids defenders being again brought to the barr, and the saids Justices of the Peace conveened for the time as said is, haveing at

length heard, read, seen, and considered the foresaid hail proces and depositions of the witnesses adduced for proving thereof, THEY FOUND it sufficiently proven that the saids defenders were common and nottorious sorners, oppressors of the country and dangerous and incorridgable rogues and vagabonds, and menacers and threateners to do harm in the country, and particularly to Gavin Weir in Waterside. AND THEREFORE the saids Justices of the Peace, conveyened for the time, DECERNS AND ORDAINS the bodies of the said defenders to be striped naked to the midle and whiped by the hand of the hangman, through the town of Lanark from the West to the East Ports, till their bodies be blooding every fourth day—for the space of fourteen days, beginning first upon Friday, then nixt the second upon Twesday thereafter; and so furth, and from time to time, to be returned to prison to be kept under sure custody until the Justices of the Peace ordered their liberation. And before their said liberation ORDAINS them to be burnt on the face, and their lugs nailed to the Trone and cutt off by the hand of the hangman, as the saids Justices of Peace should thereafter give their directions thereanent. And rceomends to the Magistrats of Lanark to put their sentance to execution, as the saids Justices of Peace their decreet and sentance given thereupon bears. And the said complaint and information being, this day last of all, called in presence of the Justices of Peace conveyened this day and place for the time, the said pursuer compearing personally. And the saids defenders being again brought to the barr, the saids Justices of the Peace adhered to their former sentance and ordained the same to be put to execution, and ordained the saids pannels to be taken out, one by one, or two by two, and whiped by the hand of the hangman, as aforesaid; giveing them thirty nine lashes; every time ten lashes at the West Port, ten at the Steeple, ten at the Trone, and nine near the East Port, as ane judicial Act made thereupon, signed by the preses of the said meeting, bears.

Follows the tenor of ane Act of Banishment by the said John Johnstown, elder :—

I, John Johnstown, Tinker in Wamphrygate, in the Stewartrie of Annandale: WHEREAS I and John and Thomas Johnstowns, my sons, Robert Scot of Hescome, in the county of Westmoreland, and John Kerr in Kelsay, have been convict and found guilty by the Justices of the Peace for the shire of Lanark—as common and nottorious sorners, oppressors of the country and dangerous and incorridgable rogues and vagabonds; and have been committed prisoners within the tolbooth of Lanark, and have been committed prisoners twenty days and upwards, and were appointed to undergo several other punishments, mentioned in the said sentence. And the saids John and Thomas Johnstowns, Robert Scot and John Kerr, haveing entered into indentures with Mr. Hugh Kennedy, merchant in Glasgow, to serve him for the space of five years in order to obtain their deliverance from the foresaid imprisonment and punishments. And thereupon and in respect of my old age and infirmities, the saids Justices of the Peace have granted that I should be sett at liberty upon my granting of the Act of Banishment underwritten, therefore I, be thir presents, ennaets myself in the Court Books of the Justices of the Peace for the shire of Lanark, that within two days nixt after the date hereof I shall never be seen within the bounds of the said shire of Lanark at any time thereafter—under the pain of death. IN WITNESS WHEREOF (written be Allan Ogill, servitor to James Carmichaell, writer in Lanark) I have subserived thir presents with my hand, at Lanark, the fifteenth day of December J^mvii^c and eighteen years, before these witnesses: William Inglis, eldest magistrat of the burgh of Lanark, and the said Allan Ogill, Gideon Lindsay, Sheriff Officer there, and Mungo Pumphrey, Sherriff Officer there. *Sic subscribitur*—Ita est JACOBUS CARMICHAELL, Notarius publicus in premissis requisitus de mandato dicti JOANNIS JOHNSTOUN, subscribo scribere nescivit et as[s]eruit testans his meis signo et subscriptione.

WILLIAM INGLIS, *witness*. ALLAN OGILL, *witness*.

GIDEON LINDSAY, *witness*. MUNGO PUMPHRA, *witness*.

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3. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

4. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

5. The Society normally issues yearly two octavo volumes of about 320 pages each.

6. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

7. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

8. Editors shall receive 20 copies of each volume they edit for the Society.

9. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

10. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

11. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.

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