

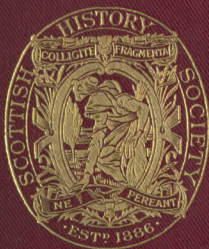
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1662-1676

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SELECTIONS FROM THE RECORDS OF  
THE REGALITY OF MELROSE

VOL.  
II

JANUARY 1915



X

# SELECTIONS FROM THE RECORDS OF THE REGALTY OF MELROSE

Edited from the Original Volumes in the Register  
House, Edinburgh, and in the hands of  
Mr. JAMES CURLE, by  
CHARLES S. ROMANES, C.A.

VOLUME II

1662-1676



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## NOTE

It was the intention of the Editor, in issuing this volume, to deal in the Introduction with the lands and villages within the bounds of the Regality of Melrose. He has however recently had access, through the great kindness of the Earl of Haddington and of Lord and Lady Binning, to the valuable collections of manuscripts preserved at Tynninghame and Mellerstain, which have furnished him with fresh sources of information as to the lands formerly possessed by the Monastery of Melrose. He has in consequence decided to reserve his remarks for the Introduction to the third volume of Regality papers, which will contain a selection from the new material now available, and to publish the present volume without further delay.



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## RECORDS OF THE REGALITY COURT OF MELROSE

‘REGISTER OF ACTS, DECREITTS, AND ABSOLVITORS, done in the Court of the Regalitie of Melrose, comensing upone the 11 day of Januar 1662, upone whiche day Thomas Wilkiesone was admitted and receaved Clerk of the same regalitie by Gideone Jacksone of Lochehouses, baillie, conforme to my Lord his gift of the samyne to the said Thomas Wilkiesone.’

‘The Court of the Regalitie of Melrosse, begune and holden within the tolbuthe of Melrosse wpon the ellevint day of Januar ane thowsand sex hundreth and sextie two yeares, be Gideone Jacksone of Lochehouses, baillie depute of the said regalitie to ane noble and potent earle Johne, Earle of Hadington, Lord Bining and Byres, lord of the lordshipe and regalitie of Melrose and baillie principall of the samyne regalitie; suittes called, Allexander Usher, officer; court lafullie affirmed.’

‘The quhilk day in the actione and cause persewed befor the said Gideon Jacksone, baillie depute of the said regalitie of Melrose, be Andro Patersone in Gallasheells against Johne Hownhame, elder, in Brigend, making mentione that wher the said John Hownhame, defender, bought and receaved from the said Andro Patersone, persewer, at Mertimes 1660 two bolls of beir at the agreid pryce of nyne pundis sexteine shillings 8d. Scotts money for the boll therof, upon the said defender his faithefull promise to have payed the samyn at Michaelmes thereafter now of long tyme bygaine, extending in the hail to the



sowme of nynteine pundis 13 s. 4 d. money forsaid, and albeit it be of veritie that the said persewer had oft and diverse tymes requyred and desired the said defender to mak payment to him of the samyne, nevertheles he wrongouslie refused, postponed, and deferred to doe the samyn without he ware compelled; and therefore the said defender was lafullie sumond to have compeired befor the said baillie at ane certaine day bygaine to have heard and seine himselfe decerned be decreit of the said baillie to mak payment to the said persewer of the forsaid soume of nynteine pundis 13 s. 4 d. money forsaid, and to give his oathe of veritie upon the forsaid lybell swa far as should not be proven be wreat, and also to mak payment of the coistes and skaithes maid and susteined be the said persewer therthrow, as in the said principall lybell, executione, and indorsationes therof and act of litiscontestatione maid be the said baillie theranent at more lenthe beires: The said persewer compeirand personallie be himselfe, who produced the forsaid lybell and instead of all farder probatione referred the samyne to the defenders oathe of veritie *simpliciter*, and the said defender being lafullie sumond to this day and oft and diverse tymes called lafull tyme of day bidden and not compeirand be himself nor no uthers in his name, the forsaid claime and lybell beand hard, seine, and considered be the said baillie, and fund relevant and admitted to the said persewers probatione, therefore the said baillie being weill and ryplie adwised therwith decernes and ordaines the said John Hownhame, defender, to mak payment to the said Andro Patersone, persewer, of the forsaid sowme of nynteine pundis 13 s. 4 d. conforme to the forsaid claime. Because in the tyme of the litiscontestatione in the said mater, which was upon the 28 day of December last, the said persewer did referre the poyntis of the forsaid claime to the said defenders oathe of veritie instead of all farder probatione, who being called and not compeirand and lafull tyme of day bidden the said baillie assigned the ellevint day of Januar 1662 nixt to come to the said defender to give his oathe of veritie upon the poynts of

the claim and ordained him to be sumond to the said day, with certificatione to be held as confest, lykeas accordinglie the said persewer caused lafullie sumond the said defender to have compeired the said day to the effect and with certificatione in maner abonewrittin, which being oft and diverse tymes called this day, lafull tyme of day bidden, and the said defender nor no wthers in his name compeiring, which being seine, hard, and considered be the said baillie and he being therwith weill and ryplie adwised he be his interloquitar given and pronounced this day decerned in maner forsaide because of the said defenders null defence and not compeirance as said is, and also decernes and ordaines the said defender to mak payment to the said persewer of the sowme of 18 s. Scots as for expenses of pley maid and susteained be him in obtaining of the said decreit, and ordaines letters executiorials and precepts to be direct upon the premises on fifteen dayes in forme as effeires.'

'*Eodem die*, decernes Thomas Blaikie in Westhouses to mak payment to George Elleis in Darnick of the sowme of eight pundis ten shillings Scots money borrowed be the said defender from the said persewer about eight yeires since or therby, wherof the said defender promised payment the nixt yeir thereafter; and albeit it be of veritie, etc. Nevertheless, etc. Because of the said defenders null defence and not compeirance, and also the baillie took the persewers oathe upon the veritie of the debt, who deponed affirmative conforme to his claime, therfor the said baillie decerned in maner forsaide, and modified sexteine shillings Scots of expenses of play, and ordaines precepts of poynding to be direct heirupon in forme as effeiris.'

[The abridged form employed in the preceding entry follows throughout this volume.]

*Eodem die* decerns James Turner in Calfehill to pay to John Pringle in Threipwood 4 l. Scots as balance of price of 30 sheep bought in 1652; defender absent; 12 s. expenses.

*Eodem die* decerns Thomas Law, portioner of Melrose, to pay to William Douglas of Prestoun 16 l. as balance of price of ewes bought; defender acknowledged debt; 24 s. expenses.

*Eodem die* decerns James Caldeleughe in Blainslie to pay to James Brounley, servitor to Joseph Hart in Chappell and William Stirling in Blainslie, 17 l. as balance of price of cow (bought for 28 l. in July 1661 to be paid at St. Lukes day thereafter); defender absent; expenses 18 s.

*Eodem die* decerns John Greive in Blainslie to pay to John Thin, portioner there, 58 s. Scots due for a 'sowmes grase' of sheep about two years ago; defender absent; expenses 12 s.

*Eodem die* decerns William Robsone in Lessudden as cautioner for Robert Scot in Gringills to pay to John Patoune in Lessudden 9 l. 14 s. Scots for a boll of 'beir meall' bought before last Whitsunday and to be paid on St. Boswell's day thereafter; defender confesses; expenses 16 s.

*Eodem die* decerns Margaret Darling in Apletrieleaves to pay to John Stobo, now in Whitlaw, 7 l. 14 s. 4 d. for bygone fees for his service to her; defender absent; expenses 12 s.

*Eodem die* decerns Mr. William Duguid, portioner of Apletrieleaves, to pay to Alison Patersone there 3 l. for her service to him a year ago; defender absent; expenses 10 s.

*Eodem die* decerns John Cochrane, herd in Longshaw, to deliver to John Smith in Moshouses a ewe and a lamb detained since Whitsunday last; defender confesses; expenses 12 s.

*Eodem die* decerns same to deliver to George Turner in Longshaw 3 ewes and a hog given him to herd and redeliver or the skin or 'birne,' or otherwise pay 3 l. for

each ewe and 30 s. for the hog, in all 10 l. 10 s.; defender confessed losing the 3 ewes 'and lambe'; expenses 18 s.

*Eodem die* absolves Thomas and James Turner in Ridpethe, William Forsoun there, Robert Meane in Newsteid, Robert Forsoun there, James Sympsone in Eildoun, Andrew Heitoun in Darnick, Robert Ormestoun in Galtonside, John Halywall there, Robert Clark and Robert Meine there, George Cowper in Westhouses, Thomas Williamsone there, John Learmonth there, Andrew Ritchie there, and John Mabone in Coblehouse, from the action pursued by William Edgar, portioner of Melrose, procurator fiscal of the regality of Melrose, against them for fishing (in the waters of Tweed and Leader) in close and forbidden time, viz. Michaelmas 1661 to St. Androes day thereafter, 'by wastle windnett coble and utherways'; because referring to their oaths they all denied.

*Eodem die* absolves Marion Smith in Longshaw from delivery of a 'wader sheip' to James Smith in Moshouses which he alleged she had kept from him for three years past; because both parties referred to James Mein, who declared judicially the sheep pertained to defender.

*Eodem die* absolves Andrew Penman in Melrose from action by James Lawrie in Caldsheill, who alleged he by advice of defender hired and feed 'Andro Penman his sone' from Whitsunday to Martinmas last for 4 l. Scots of fee and a ewe lamb, an ell of plaiding and a pair of shoes of bounty, but after 14 days' service the lad was caused by defender to desert and he reset him, so he ought to refund fee and bounty. Referred to defender's oath, who denied *in omnibus*.

*Eodem die* absolves George and James Turner in Longshaw from action by Nicol Cairnecroce there narrating that they set to him from Whitsunday 1661 to Whitsunday 1662 five sowmes grass, and that 'Jon Cochrane ther hird had be his sloath and negligence lost the persewer twa

sheip and broken the neck of ane other,' each worth 4 l. and had delivered neither skin nor birne, so ought to pay. Referred to Cochrane's oath, who deponed 'that the persewer delivered to him 30 ewes and 20 yeild sheip, which ware yet extant and none of them ether lost or broken necked.'

*Eodem die* absolves John Cruiks in Galashiels from action by James Moffet in Wester Longley for delivery of four bolls wheat sold to him in 1661 at 10 l. 1 s. 4 d. the boll. Referred to defender, who referred back to pursuer, who failed to compear and depone at the term assigned.

*Eodem die* absolves Thomas and James Turner in Ridpeth, etc. as formerly for fishing in close time. [*Duplicate entry.*]

Melrose, 25 January 1662; Gideon Jackson of Lochhouses.  
(Alexander Usher, officer.)

Which day, decerns Mr. William Duguid, portioner of Aplettrieleaves, to pay to Alison Bell, now servitrix to James Lithgow of Drygrange, 5 l. 13 s. 4 d. of fee due for her service to his wife, Whitsunday to Martinmas 1659; his wife acknowledging debt; expenses 12 s.

*Eodem die* decerns William Cairnecroce of Allanshawes to pay to George Patersone in Gallashiels 9 l. for a boll of bear bought and received by Walter Cairncroce, eldest lawful son of said William, who promised to redeliver at Michaelmas or pay the 9 l.; defender absent; 18 s. expenses.

*Eodem die* decerns Mr. William Duguid, portioner of Aplettrieleaves, to pay to James Darling, sometime there, now in Waderlie, six firlots oats or 10 l. Scots for what was eaten and destroyed by his horses in September 1658, estimated to 3 bolls oats by Adam Wilson and John Frater in Longhaughe, Andrew Phaupe in Melrose and

James Moffett in Threipwood ; both parties submitting to bailie's determination ; expenses 18 s.

*Eodem die* decerns Andrew Darling, portioner of Apletrieleaves, to pay to Mr. William Duguid, portioner there, 15 l. as balance of 24 l. due after accounting in terms of Bill, 11 December 1658 ; defender confessed ; 24 s. expenses.

*Eodem die* decerns John Mosse, younger, in Darnick, with consent and in name of his wife, Helen Mosse, to grant and subscribe to John Mosse, elder, portioner of Darnick, his father-in-law, a discharge for 400 merks of tocher in full of all portion they might claim from him or Marion Fisher his wife by their decease, except by legacy or inheritance in terms of their contract of marriage dated at Melrose, 2 October 1657 ; and of 4 l. 3 s. superexpended ; because John Mose, pursuer, had paid the tocher as follows, viz. to the defender 'when his sone was baptized,' 6 l. ; more, 24 l. ; to his wife at defender's directions 1 l. 10 s. ; to Isobel Lithgow in his behalf and at his direction 66 l. 13 s. 4 d. ; to Margaret Elleis 69 l. 13 s. 4 d. ; to Isobel Hownhame 33 l. 6 s. 8 d. ; to Gideon Jackson 3 l. ; to William Currer for a mare to the defender, 40 l. ; for a cow bought by defender from pursuer, 26 l. 13 s. 4 d. ; extending in all to 270 l. 16 s. 4 d. which is 4 l. 3 s. over the 400 merks. Referred to defender's oath, who referred back to pursuer, who deponed affirmative.

Melrose, 8 February 1662 ; Gideon Jackson. (Alexander Usher, officer.)

Which day, decerns James Meane, mason in Newsteid, called Towneheid, to pay to Robert Bunzie there 7 l. 10 s. Scots for a boll of oats sold to defender at Martinmas 1660 ; defender absent ; expenses 8 s.

*Eodem die* decerns Andrew Darling, son of Peter Darling, portioner of Apletrieleaves, to pay to Michael Fisher in



Darnick 12 l. in his bill 8 October 1657 to Andrew Greir-sone, merchant burgess of Lithgow [*sic*], who assigned to Fisher; defender absent; expenses 24 s.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to Michael Fishare, son of William Fishare in Darnick, 6 l. 2 s. in bill by defender to pursuer 2 January, last payable on 15th, with 40 s. expenses; defender present; confessed debt.

*Eodem die* decerns James Turner in Netherlongshaw to pay to James Ritchiesone in Hawicksheill 20 s. Scots with a ewe lamb or 24 s., as balance of price of 9 ewes and lambs bought from pursuer in 1660; defender absent; expenses 8 s.

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to John Meane, maltman in Newsteid, 10 l. Scots as balance of price of malt bought at Lammas last; defender absent; expenses 24 s.

*Eodem die* [duplicate of above, but expenses modified 12 s.]

*Eodem die* decerns Thomas Wilsone in Galtonside to pay to Robert Mein there 40 s. for 100 divots, 6 s. for a day's shearing, and 3 s. 4 d. for a hook; referred to defender, who 'deferred' to pursuer, who deponed affirmative; expenses 18 s.

*Eodem die* decerns James Merser in Newsteid and James Mein in Newsteid to deliver to Andrew Cairncroce, portioner of Ridpeth, 2 bolls, and 4½ bolls a little firloft, of bear respectively, due by them to Barbara Andersone, widow of Bernard Mean, son of deceased John Mein, portioner of Newsteid, and arrested in her hands by the pursuer; defenders judicially confessed.

*Eodem die* 'decernes all and sundrie conforme to the claime to mak payment to the shoolmaster as the double of the decreit with this dayes proces beires.'

Melrose, 8 March 1662; Gideon Jackson. (Alexander Usher, officer.)

Which day decerns Margaret Darling in Apletrieleaves to pay to Grizel Patersone there 3 l. 10 s. of fee, Martinmas 1660 to Whitsunday 1661, and 10 s. of borrowed money; defender absent; expenses 10 s.

*Eodem die* decerns Adam Darling in Westhouses to pay to Thomas Blaikie there 9 l. for drink and of borrowed money; and William Mairtine there to pay to said Thomas 55 s. for drink received; defenders absent; expenses 14 s. (Darling) and 10 s. (Mairtine).

*Eodem die* decerns William Cairnecroice of Allanshawes to pay to George Wilsone, litster in Longhauche, 4 l. 12 s. Scots for dying cloth for his wife; defender absent; 10 s. expenses.

*Eodem die* decerns John Thin, portioner of Blainslie, to pay 5 mërks as price of a barn door taken away by Katherine Dods, his mother, about 4 years ago, and 24 s. Scots for 4 days' shearing owing 'to the said persewer,' and 10 s. 6 d. borrowed money; and absolves him and his mother from some sheaves of bear alleged intromitted with; pursuer referred to defenders, who deferred to him, who deponed as to first three, but refused to depone anent the bear sheaves; 12 s. expenses. [Pursuer's name not given.]

*Eodem die* decerns Nicol Cairnecroce in Longshaw to pay to Mungo Donaldsone in Melrose 20 merks; defender failed in probation; expenses 30 s.

*Eodem die* decerns same to pay to John Hall in Longshawmilne 10 merks as price of 20 lambs' grass, 1661, pastured on pursuer's ground in Threipwood, and 25 s. 4 d. for hay bought from pursuer at Lammas last, extending in all to 7 l. 18 s. 8 d.; pursuer referred to defender, who deferred to pursuer, who deponed affirmative; expenses 16 s.

*Eodem die* decerns Andrew Heitone, portioner of New-

towne, to deliver to William Bulman, portioner there, a quarter of a rig in the Maynes, and Bulman to deliver to Heitone half a butt in the Swyre head, 'and eache of them this yeare to plew to uthers'; also Heitone to deliver to Bulman a butt of land lying in the Southebreids; finds Bulman 'compleanes causeleslie anent Holdingreen; also ordains them 'to keip ther awne possessiones eist betwixt the burnes, and the said Andro to deliver to the said William his eister incraft butt, and the said William to deliver to the said Andro the wester butt in the out end therof'; finds the said William complains causelessly 'in Broadmoore, and ordaines ether of them to keip ther owne possessiones out throw the rest of the towne and lands off Newtowne heirefter'; both parties having referred the controversy to John Riddell and James Vair (for Bulman), and Thomas Stenhouis and Nicol Cochrane (for Heitone), and bailie interponed his decret to their report.

*Eodem die* absolves Richard Sklaitter in Eildoune from action by Mungo Donaldsone in Melrose for 24 l. as board and maintenance of four soldiers; referred to defender, who denied.

*Eodem die* action by William Edgar, fiscal, and William Fletcher, son of Mr. John Fletcher, minister at Melrose, against John Bald, son of George Bald, portioner of Bowdowne, who on 11 February last 'did violentlie beat, strike, and wound the said William Fletcher upon severall parts of his bodie to the great effusione of his blood and danger of life.' William Wallace, cautioner, produced defender, who confessed; and the bailie 'in respect of his minoritie past from the bloodwyte, and dicernes the said Johne Bald instantlie to be takine and put in the jogs for halfe ane houres spaice.'

Melrose, 5 April 1662; Gideon Jackson. (Andrew Phaupe, officer.)

Which day decerns Andrew Tunno, portioner of Melrose, to deliver to Michael Gibsone, indweller there,

six threaves of oat straw or 9 s. Scots for each threave, and six threaves of bear straw 'and ane stook,' or 6 s. 8 d. per threave, in all 4 l. 17 s. 4 d., and 20 merks of penalty; pursuer producing tack dated 15 August 1659, registered 6 February last, set by defender to him 'of the lands therinspecificit,' whereby pursuer was obliged to pay yearly 'teynd and thrid' to the defender, and he was obliged to deliver back the teind and third straw to pursuer yearly under said penalty; and defender confessed obligation.

*Eodem die* decerns George Taillyeor, portioner of Blainslie, to pay to John Davidstone, portioner there, 8 l. 15 s. as balance of price of 1½ merk land sold by pursuer to him; referred to defender's oath, who deferred to pursuer, who deponed affirmative; expenses 18 s.

*Eodem die* absolves John Sownhaus, portioner of Blainslie, from action by Robert Lawder there, who was hired with him from Martinmas 1658 to Whitsunday 1659 for 13 l. and served honestly during that space, but received only a half boll bear (at 10 merks) and 12 s. Scots, so there is resting 4 l. 14 s. 8 d.; referred to defender, who deponed all paid and nothing resting.

Melrose, 7 April 1662; Gideon Jackson. (Andrew Phaupe, officer.)

Which day, decerns Thomas Waderstoune in Clakmae to pay to Alexander Lowthiane in Lylestoune 7 l. 18 s. resting unpaid of price of 2 bolls bear bought at Beltane 1660, at 12 l. the boll; referred to defender, who deponed 16 l. 2 s. paid, and above resting; 40 s. expenses. Absolves from 16 l. 2 s.

*Eodem die* decerns James Mercer in Bridgend to deliver to Mark Blaikie, portioner of Melrose, half a boll 'good and sufficient beir suche as will please ane maltman,' or 5 l. Scots, due to pursuer for the price of some meal bought from him at Michaelmas last; defender absent; 16 s. expenses.

*Eodem die* decerns John Cochrane, herd in Longshaw, to pay to Thomas Notman in Mosshouses 4 l. Scots and 20 s. for a ewe lamb promised of fee, Whitsunday to Martinmas 1661, payable on 12 November 1661; defender confessed; expenses 15s.

*Eodem die* decerns John Davidsons, portioner of Blainslie, to pay to George Tailyeor, portioner there, 54 s. for bygone cess paid by Taylor for lands bought from Davidson, who confessed he was obliged to warrant the same from all bygone cess; 10 s. expenses. Absolves Davidson from 'ane five merk pece of gold' alleged given by pursuer to him 'in earnest of the lands,' and 12 s. lent by pursuer to him, and 10 s. alleged undertaken by pursuer to pay to Helen Rolmanhous for the defender, in respect that being referred to defender, who deferred to pursuer, the latter refused to depone as to these.

*Eodem die* decerns William Edgar, portioner of Melrose, to pay to John Feirgreive in Eildon 10 l. Scots due as fee for service in 1659; expenses 12 s.; defender confessed the debt, 'but declaired that the said persewar haiveing fallen twise in fornicatione was fyned be Sir Walter Riddell, Sir Thomas Ker, and Gideon Wauchope, then justices of peace, in the sowme of 10 lib. and incarcerat in prisone therfor, for whom the said defender become cautione, and so could not be decerned to mak payment untill he was releaved of his cautionarie and also the arreistment laid on be the saids justices of peace in his hands lowsed.' Supersedes extracting till pursuer procure the justices' discharge and consent; and Andrew Phaube became cautioner for the pursuer to warrant the defender.

*Eodem die* decerns Agnes Midlemist in Newsteid to deliver to Isobel Bunzie there a boll of bear or so much thereof as will pay 7 l. 4 s. due to pursuer by James Meane, portioner of Newsteid, now in Faldonside, and arrested in her hands; referred to Mean's oath, who refused to depone, as being minor at the time of the debt; pursuer deponed affirmative; 30 s. expenses.

*Eodem die* action by Morgan Williams, cordiner in Melrose, against John Maxwell there, narrating that 'in Januar last the defenders wife haiveing lost ane hen told her husband, who imediatlie without any ground or presumption said he wold tak a hen and hing it upon the yett that enters to the persewars house that all men might know non lived ther but thieffes ; and the nixt day thereafter haiveing gotten his hen againe, the said persewar desird him to keip his hens out of his house, and said defender answered and bad the persewar hold his peace for he was nothing but a thiefe and was proven so to his faice'; diverse times called, both parties personally present, reasons and allegations heard and considered, decerns John Maxwell to remain in prison till he pay 10 l. equally between William Edgar and Andrew Phaupe, and to compear 'the nixt Sabbath in Melrose kirk, and in faice of the congregatiōe craive the said Morgan Williams pardon and acknowledge he did wrongouslie calumniat him'; pursuer having referred to defender's oath, who deferred to him, who deponed affirmative.

Melrose, 3 May 1662; Gideon Jackson. (Andrew Phaupe, officer.)

Which day decerns Mr. William Duguid, portioner of Aplettrieleaves, to pay to William Davidsons, indweller in Melrose, 20 l. Scots promised as fee for service, Martinmas 1660 to 1661; defender absent; expenses 30 s.

*Eodem die* decerns Thomas Gastoune in Lessudden to pay to John Erskeine, portioner of Lessudden, 38 l. 1 s. 9 d. Scots as the price of 3 bolls 2 pecks and 3 'fourtpairts' of ferme bear due to pursuer for three quarters 'of ane land in Lessudden' pertaining to him and possessed by the defender, crop 1661, at 12 l. the boll; defender absent; 30 s. expenses.

*Eodem die* decerns Andrew Tunno, portioner of Melrose, to pay to Robert Mar there and Bessie Andersone his spouse 20 l. Scots due by him to deceased John Anderson,



brother of said Bessie, and promised to them since John's decease ; defender absent ; expenses 40 s.

*Eodem die* decerns William Notman in Colmeslie to pay to George Bowstoune in Galashiels 40 s. Scots 'in compensatione of his loss of two bolls of said oates' bought from defender at 6 l. 6 s. the boll, to be delivered in March last, and 6 s. was paid in earnest thereof, but what he brought was not conform to sample ; referred to pursuer's oath, who deponed they were not conform to sample ; 12 s. expenses.

*Eodem die* decerns Mark Kyll, portioner of Lessudden, to pay to William Edgar, fiscal, 10 merks of fine for striking Janet Kyll his sister and Isobel Bryden her daughter in April last, defender denied upon oath 'that he either gave or receaved blood,' and confessed 'that he took the said Jonet Kyll on stroak on the shoulder' ; absolved from the blood, decerned for the riot.

Melrose, 5 May 1662 ; Gideon Jackson. (Andrew Phaupe, officer. <sup>1</sup>)

Which day decerns Patrick Blaikie in Wooplaw to pay to William Curror in Lindean 12 l. as the price of a boll of household meal bought by defender in 1655, also 4 l. as price of a broun cloak for which the defender promised a stone of wool within 14 days thereafter ; defender absent ; expenses 3 l.

*Eodem die* decerns Thomas Greive, servitor to William Fisher in Colmsliehill, to pay to George Fram in Lauder and his wife 23 s. Scots for drink bought from them ; defender absent ; expenses 6 s.

*Eodem die* decerns Isobel Smyth in Colmslie to pay to Marion Dick in Galashiels 11 l. received by her for pursuer's behoof from James Pringell in Ersilton, as the bygone annualrents of 100 merks due by him to pursuer ; defender absent ; expenses 24 s.

<sup>1</sup> Who seems to continue officer of court after this time.

*Eodem die* decerns John Bunzie, elder, portioner of Newstead, to pay to David Davidstone in Kaidslie 8 l. 13 s. 4 d. with 30 s. of expenses, conform to defender's bond 29 December 1660 to pursuer; defender confessed, and craved pursuer to find caution to answer him as law will.

*Eodem die* decerns John Andersone, portioner of Ridpeth to pay to William Edgar, procurator fiscal, 10 l. as a fine for striking George Adinston in Fawnes, when they were in company together drinking in Barbara Andersone's house in Ersilton on a day in February last; defender deponed he neither gave nor received blood, but confessed striking George; absolved from the blood.

*Eodem die* absolves Margaret Darling in Westhouses from action by Adam Darling there against her for 12 l. for house rent and others; defender denying, admitted to probation, and pursuer produced Thomas Law and Robert Ormiestone, whose depositions the bailie found proved not the libel.

Melrose, 24 May 1662; Gideon Jackson. Held by dispensation of the Lords of Council and Session dated 15 May instant, 'dispensing [without] the sitting of the present high and honorabill Court of Parliament.'

Which day decerns Adam Darling in Westhouses to pay to John Mabane in Coblehouse 5 l. 0 s. 4 d. Scots due to pursuer and his wife for drink, and 3 l. 2 s. 8 d. of borrowed money, extending to 8 l. 3 s.; referred to defender, who deferred to pursuer, who deponed affirmative; expenses 16 s.

*Eodem die* decerns John Uns, tailor in Lessudden, to pay to Andrew Cook, younger, in Melrose, 3 l. Scots and a pair of shoes worth 12 s., and 2 s. daily for six days' work; total 4 l. 4 s. Both parties submitted to bailie, who ordained defender to pay to pursuer presently 2 merks, which was paid.

*Eodem die* decerns William Fisher in Newsteid to pay to

George Blaikie in Melrose, executor to deceased Margaret Lithgow his mother, 16 l. 6 s. as balance of a greater sum addebted by defender to defunct and paid to pursuer except the said amount; defender absent; expenses 24 s.

*Eodem die* absolves William Fishar of M'Quhirrie from action by Andrew Darling, portioner of Aplettrieleaves, for 20 l. Scots promised within 14 days in 1660; because defender confessed 'he was resting and awand to Andro Kennedie the soume of twentie punds, quhilk the said persuer desired him to keip still in his hand in respect Andro Kennedie was awand him as muche,' therefore the bailie arreisted the said sum in his hands 'for my Lordis ferme, and obtaned payment, which the baillie acknowledged,' and therefore absolved.

*Eodem die* absolves Margaret Turnor, widow in Blainslie, from action by James Sympsone in Eildon and Agnes Pringell his spouse against her for 4 l. as balance of 8 l. borrowed from said Agnes Pringell 16 years ago, and 'four salmond and reiked fishe' at 12 s. apiece about 6 years ago; referred to defender's oath, who deponed negative.

*Eodem die* absolves Andrew Fishar, son of John Fishar of Westerhousbyre, from action by Ephraim Wilkiesone 'in the house of the Moore,' narrating that in August 1661 the said Andrew earnestly desired Ephraim to go to Edinburgh 'anent some necessar affaires for purchasing of ane suspensione, for which the said Andro promised him 12 lib. Scots, and also ane band of warrand and releife to the said Ephraim in respect he become cautioner in the said suspensione'; referred to defender, who denied whole claim.

*Eodem die* decerns James Lythgow of Drygrange, Mr. Michael Wallace, eldest lawful son of deceased William Wallace, late clerk of Melrose, and George Wallace his servant, to exhibit as follows: James Lythgow, all bonds, discharges, assignations, decreets, contracts, tacks, charters, sasines, etc., entrusted to him while he was bailie-depute of the regality and chamberlain to John, Earl of Hadington,

and the others to produce all writs given in to be registered in the court books of the regality since 1618, with the books and registers wherein they were inserted, and also all claims, libels, minutes, processes, warrants, rolments of court, sentences and acts, and the books wherein the same were recorded, since 1618; 'the said persewer' compearing by William Edgar his procurator, referred to defenders' oaths, who being absent were held as confessed; but on 10 June 1662 Mr. Michael Wallace and George Wallace compeared and deponed negative except as to what they presently produced.

Melrose, 7 June 1662; Gideon Jackson.

Which day decerns William Fisher in Darnick, 'called Mikle William,' to deliver to Robert Clark in Galtonesside 20 l. Scots with 3 l. 6 s. 8 d. of expenses, and the interest, contained in Bond 24 February 1662 by Thomas Bell, eldest son of William Bell in Quhitburne, to said Robert Clerk, registered 19 May last, and arrested in Fisher's hands; Fisher confessing he owed said Thomas Bell 60 l. payable at St. Barnabies day next.

*Eodem die* decerns Thomas Bowie in Melrose to pay to Janet Anderson there, for certain necessities furnished by her to James Lythgow of Drygrange and his children at their chamber in Melrose, 1661, 58 s. Scots, whereof Bowie promised payment at Drygrange's direction; also 30 s. for necessities furnished to himself by her; referred to defender's oath, who acknowledged debt, and instantly paid 58 s. for Drygrange; decerned to pay 30 s. resting, and 6 s. expenses.

Melrose, 10 June 1662; Gideon Jackson.

Which day William Edgar, fiscal, produced an order subscribed by John, Earl of Haddington, directed to Gideon Jackson, bailie depute, and dated at Edinburgh, 3 June 1662, narrating that order was formerly given 'for

banishing of that wicked woman Barbara Ker ' out of the regality for theft, and that none reset her, and now seeing it is informed that she frequents or intends to reside in or about Melrose, the order is renewed to prohibit her from dwelling within the regality hereafter, and that none reset her, and if she is found therein she is to be put in prison till she finds caution ' for her honest, christiane and civill behavior and deportment in tyme comeing.' Being charged, the said Barbara compeared and desired the order to be openly read in her audience, and it is inserted at length ; thereafter she desired Monday next, 16 June, to advise and find caution, which was assigned to her ; on which day neither she nor any for her compeared, whereupon the bailie executed the order, and enacted that any who shall reset her shall pay 20 merks of penalty, and that this be proclaimed at the market cross of Melrose.

Melrose, 14 June 1662 ; Gideon Jackson.

Which day decerns Robert Freir in Galtonside and George Wallace in Melrose, as cautioners for Alexander Ridpeth there, to pay to Thomas Williamsone in Westhouses 16 l. for trees bought by Ridpeth from Williamson, to be paid last ' Paishe ' ; Freir and Ridpeth acknowledged debt, Wallace not compearing held as confessed ; 30 s. expenses.

*Eodem die* decerns James Lythgow of Drygrange to pay to Mr. James Somervail, schoolmaster in Melrose, 6 l. as part of 23 merks claimed by him ' for learneing of his children, viz. Alexander, John, Andro, William, Agnus and Katherine Lythgowes, from the 2d day of May 1660 to the 2d of August the said yeir, as also for learneing the saids Alexander, John, Andro and William Lythgowes, from Michaelmes 1661 to Candlemes 1662, ilkane of them being 13 s. 4 d. quarterlie ' ; John Bunzie, procurator for Lythgow, confessed 6 l. and deferred the rest to pursuer's oath ; 18 s. expenses ; reserves action to pursuer for rest of claim.

*Eodem die* absolves Mungo Donaldsone, portioner of Melrose, from action by Nicol Cairnecroce in Longshaw, who narrated that Donaldsone pursued him before this court for relief of a fine of 16 l. 10 s. paid by Donaldsone for him to the justices of peace, but the fine was only 12 l., and offered witnesses to prove he paid the fine himself; Thomas Law, weaver in Melrose, came, but was not received because the other witness was absent, so Cairnecroce craved Donaldsone's oath of calumny whether he had just cause to pursue, 'and whither or not he only got the forsaid sowme from me at the justices directione to keip untill the nixt day that uther fynes come in.' Donaldsone produced and opposed his decret, wherein the term of probation of the foresaid exception was circumduced, therefore the judge adhered to former decret and absolved as said is.

*Eodem die* absolves Thomas Notman in Mosshouses from action by John Cochrane, herd in Longshaw, who delivered to said Thomas, being servant to said John in summer 1661, 'ane hirsell of hogs,' whereof he lost three and gave neither skin nor birne, for which three hogs George Turner in Longshaw pursued said John and obtained payment. Thomas Notman compeared, 'being about the aige of 13 yeares, denyed that ever the said John Cochrane numbered and delivered the hogs to him,' and bailie absolved him in respect of his minority.

*Eodem die* absolves John Andersone in Ridpethe 'called Jeanes Johne' from action by John Rodger, portioner of Ridpeth, who on 31 March last hired Anderson for 9 l. and a pair of shoes, to serve him this summer 1662, but about ten days before Whitsunday he quitted the agreement 'to the said John Rodger his great losse by want of a servant now when his elding was to win,' and Anderson should either return or pay the said hire conform to practice; defender declared he gave over the service within four days of the bargain making, 'and seing it was not 20 dayes to the terme quhen he was hyred he could not give over the samyn 40 dayes befor the terme'; therefore absolved.

*Eodem die* absolves William Cairnecroce of Allanshaw from action by Mr. Matthew Richmond in Lawder narrating that at Martinmas last said William promised to give to Richmond for teaching his second son Nicol Cairnecroce the art of arithmetic 'alsmuche corne and strae or hay as any horse would eat dureing his sones learning with him, together with asmuche elding as the said Mr. Mathew sould burne for his owne use,' and Richmond having taught the boy for 10 weeks and 4 days claims for each 24 hours 3 lapfull of oats with 6 'winlings' of straw, extending to  $5\frac{1}{2}$  bolls of oats, 18 threaves of straw, 70 loads of peats, and 40 merks for his bed and board. Referred the condition to defender's oath, who deponed he had sent Richmond 'everie weik ane load of strae and ane uther of peits according to ther agriement,' and denied the other particulars.

Melrose, 26 June 1662 ; Gideon Jackson.

Which day decerns Robert Mein, elder, portioner of Newsteid, John Bunzie, elder, Robert Trotter, Andrew Mein, mason, and John Merser, portioners there, to pay to John, Earl of Hadington, for themselves and the rest of the feuars of the town and lands of Newsteid, 53 l. 6 s. 8 d. due and resting by them for the years 1650 and 1651 conform to their Ticket to deceased Alexander Usher, servitor to James Lythgow, then the Earl's chamberlain ; all confessed the ticket but declared they knew not for what cause it was granted, and they had no discharge of it ; 3 l. expenses.

*Eodem die* decerns John Davidstone, portioner of Blainslie to pay to James Rolmanhous there 5 l. Scots uplifted by Davidson from James Smith in Blainslie for the year's rent of a house there set by said John 'with halfe a land' to the said James Rolmanhouse, who set subtack to Smith, but Davidson refused to allow same in part payment of Rolmanhouse's ferme and received the full ferme from him and also the forsaid sum from Smith ; defender absent ; 12 s. expenses.

*Eodem die* decerns William Hendersone in Lawdummoore to pay to Walter Riddell, miller in Colmslie, 4 l. 7 s. being for 4 pecks oatmeal and 1 peck knaveship and 12 s. for 1 peck bearmmeal, extending as above, for his astricted multures, 1661; referred to defender's oath, who failed to compear, and is held as confessed; 16 s. expenses.

*Eodem die* decerns the following to pay to Patrick Haitlie miller of Longshaw, for abstracted multures, 1660, as follows:—John Sownhouse in Blainslie, the abstracted multures of 3 bolls of bear, James Sownhouse there 1 boll bear, John Thin there  $\frac{1}{2}$  a peck and  $\frac{1}{2}$  a 'copfull,' George Patersone, 4 bolls, John Stirling 2 bolls, James Rolmanhouse, elder, 2 bolls, Thomas Caldcleuch 4 bolls, Patrick Blaikie in Uplaw 2 bolls, Andrew Darling in Aplettrieleaves 2 bolls oats, Mr. William Duguid there 6 bolls; and William Cairnecroce of Allanshaw is to pay 36 s. for the price of certain meal bought by him from the petitioner; referred to their oaths, who all confessed except George Paterson, James Rolmanhous and Thomas Caldcleughe, who failing to compear were held as confessed; each person to pay also 2 s. Scots expenses of plea. Andrew Thomson in Aplettrieleaves absolved.

*Eodem die* decerns Thomas Reidfurde in Melrose to pay to Andrew Penman, portioner there, 50 s. 8 d. as balance of the price and condition promised to Andrew for tilling his land at Martinmas 1661, also 26 s. 8 d. for a 'cairtfull of broome' borrowed from pursuer, and 8 s. for making a pair of salt creels, and 6 s. for a window 'and broads,' extending in all to 4 l. 11 s. 4 d.; defender absent; 6 s. 8 d. expenses.

*Eodem die* decerns the following to pay to Adam Hyslop, miller in Longshaw, for abstracted multures, 1662, as follows:—John and Robert Leyes in Quhitleyes, abstracted multures of 2 bolls 'humblecorne,' James Sownhous in Blainslie  $\frac{1}{2}$  a boll thereof, John Wallace, smith there, the like; defenders absent; 14 s. expenses.

*Eodem die* absolves William Wallace, weaver, and James



Gourlay, cordiner 'ther' [*sic*], from action by William Edgar, portioner of Melrose, fiscal, against them for beating and striking each other on 18 June instant ; referred to their oaths, who denied all.

Melrose, 9 July 1662 ; Gideon Jackson.

Which day decerns William Mercer, weaver in Newstein, to pay to William Edgar, portioner of Melrose, fiscal, 50 l. as fine for 'blooding of Robert Meine, portioner of Newsteid, called Long Andro's sone,' and fines said Robert Meine in 50 l. 'for the forsaid bloodwyte' ; both confessed and submitted to bailie's will.

Melrose, 19 July 1662 ; Gideon Jackson.

Which day absolves John Thin, portioner of Blainslie, and William Greive, servitor to James Donaldsone, portioner there, from action by William Edgar, fiscal, against them for beating, striking, and wounding each other on — July inst. Also absolves John Merton, tailor in Dainzielton, from fiscal's action against him for beating and striking David Cuik, son of Andrew Cuik, portioner of Melrose. Also absolves William Wilsone, weaver in Longhauche, from fiscal's action against him for striking and wounding Hew Darling, litster in Galashiels. Also absolves John Bowar, Eister, portioner of Eildon, and George Haistie, noltherd in Newsteid, from fiscal's action against them 'for offering of violence one to another and riving of the said John Bowar his cloak and taking of a gad from him in Aprill last he being hirling his owne goods upon his owne ground of Eildoun.' Also absolves Marion Fogo in Blainslie from fiscal's action against her 'for deteaning a waiffe yew and lamb in her custodie without making it to be intimat at the mercat croce and kirk door that the rieth owner may get knolege of them.' Being referred to defender's oaths, all deponed negative.

*Eodem die* decerns Andrew Penman, portioner of Melrose,

and Adam Darling, portioner of Westhouses, to pay to William Edgar, fiscal, as follows :—the said Andrew for striking and blooding John Hownham, herd in Newsteid, on Sunday last with a knife, 50 l. Scots; and Adam 10 l. for beating and striking William Darling his brother. Penman deferred to John Hownham's oath, who deponed he was bled in the hand with a knife. Darling denied blood but confessed he gave his brother 'twa neavells,' and submitted to bailie's will.

*Eodem die* decerns Thomas Blaikie in Westhouses and Margaret Darling his spouse to pay to Michael Fishar in Darnick 9 l. as remains of certain malt bought from pursuer in February last, payable within 8 days thereafter; defenders absent; 12 s. expenses.

*Eodem die* decerns James Archbald in Lessudden to pay to Mungo Patoun, portioner there, 27 l. Scots as price of certain malt bought from pursuer at Yule last; defender confessed debt and alleged that pursuer and he 'did agrie to superceid the payment of 25 lib. of the forsaid soume till his corne was stooked upon the ground'; so supersedes 25 l. as said is; 40 s. expenses.

*Eodem die* absolves James Rolmanhouse, younger, in Blainslie, from action by William Cranston of Huntliewood, portioner of Blainslie, claiming a boll of meal, Jedburgh measure, of bygone ferme for crop 1660; referred to defender's oath who deponed he had paid all his ferme.

'Decreet James Stoddert *contra* Uns and Stoddert, and Decreet James Archbald *contra* David Uns, unbooked becas they payed not the sentance silver nor extracted them, and thereafter was stopped be the baillie's ordor.'

Melrose, 31 July 1662; Gideon Jackson.

Which day decerns John Patoun in Lessudden to pay to Ralph Clavering, 'practitioner of the view of life and death,' 22 l. 16 s. Scots for drugs, expenses and travel in curing said John 'of ane deadlie disease in his mouthe and

throate which he had contracted so that he was not able to speak, and which the said Ralffe did cure, being imployed by the said defender his wiffe in winter last'; referred to defender's oath, who deferred to pursuer, who deponed his charges extended to 24 l. 'quherof his wife had receaved 24 s. Scots,' so rests as above; 3 l. expenses.

*Eodem die* decerns James Turner in Longshaw to pay to John Stobo in Quhitley 3 l. 11 s. as balance of bygone fees due to him preceding Whitsunday 1661; referred to defender's oath, who confessed; 13 s. 4 d. expenses.

*Eodem die* absolves Patrick Blaikie in Woplaw from action by John Stobo in Quhitley against him for 19 l. Scots, and a pair of shoes at 18 s. for his fee from Lammass 1657 to Whitsunday 1658; referred to defender, who deponed he had sold and delivered to pursuer a stone of wool, price 4 l. 10 s. and a half boll of oats, price 4 l. 'and did pay the [amount] to the said persuer himselfe.'

*Eodem die* decerns Nicol Carncroce in Overlongshaw to pay to George Turner in Overlongshaw and James Turner in Netherlongshaw 22 s. and 13 l. 10 s. respectively 'for grasse maill and land sett be them to the said defender anno 1661'; referred to defender, who confessed; 13 s. 4 d. expenses.

*Eodem die* decerns the feuars of Lessudden to pay to Margaret Park, widow in St. Boswalls, 17 l. 18 s. Scots paid out by her for three months' cess 'for the use of the Colledge of Justice, Lord Lyon, and Sir John Smith,' to Thomas Unes their collector, for which James Don, collector of Roxburghshire, daily troubles her and intends to poind her therefor; because being found relevant and admitted to pursuer's probation 'the baillie declared he knew the treuthe' and decerned as above; 18 s. expenses. 'Nota, the forsaid claime was drawn up be the persewer against the said Thomas Unes, collector, and he drew a bill upon Thomas Hunter and Walter Gibsone, quartermasters, to releive him becas he reported a discharge from the collector of the shyre of all the quartermasters gave him;

therfor to mak short and cleir proces the baillie decernes against all the fewars ilkane of them for their owne proportione conforme to the valuatione.'

*Eodem die* decerns Marion Fogo in Blainslie to pay to Andrew Lawsons in Stow 25 merks as the half of 50 merks for the price of 9 sheep 'bought and receaved from [by] John Greive in Lawder from him' on 26 December last and whereof the said John promised payment within 8 days; also to James Thomsone there 13 l. 10 s. as the half of 25 l. for the price of 7 sheep bought from him by the said John Greive in November last, to be paid within 14 days thereafter; and now the said John Greive being imprisoned in the tolbooth of Lauder for theft and witchcraft declared before the bailies of Lauder that he was owing as above, and that Marion Fogo 'had gotten from him 205 merks quhilk belonged to the forsaid persons persewers, and withers his creditors.' Pursuers and defender submitted to William Edgar and the clerk to agree them, and in case of variance to the bailie as oversman; and being disagreed, referred to bailie, who decerned as above; modifies to Andrew Lawsons 5 merks of expenses and to James Thomson 18 s.

*Eodem die* absolves Thomas Turner in Ridpeth and John Browne there from action against them by John Andersone, portioner there, claiming as due by Turner to him and his deceased father for his lands in Ridpeth 23 kainfowls at 6 s. the piece, being 6 l. 13 s., and by Brown 16 kainfowls, being 4 l. 16 s., from 1651 to 1658. Isobel Andersone, pursuer's mother, compeared and declared that defenders had paid their whole kainfowls to her deceased husband and her, and they had paid the same to 'my lord.'

*Eodem die* absolves James Meane, servitor to Andrew Phaup in Melrose, from action by John Scot and John Hay in Galtonside, narrating that on 27 July instant being the Lord's Day, James Meane 'most wrongouslie and phanelie brake in into the said Andro Phaup his yaird, the fruite quherof they had boucht[?] this present cropt

1662, and ther did wrongouslie intromett with and away tak severall peares and aples furthe therof to ther great prejudice and skaith, and to the evill example of others'; referred to defender's oath, who denied.

*Eodem die* absolves Robert Haistie in Maxpople from action by James Turnbull in Bowdoun claiming a ewe lamb promised at Martinmas 1658 if he stayed still in the pursuer's father's service that term, he being his servant before; defender minor, about 13 years of age, denied the claim, 'and the persewer had no other probatione but the defender his oath, which the baillie refused in regaird of his minoritie.'

*Eodem die* absolves Thomas Lythgow in Ridpeth from action by John, Earl of Hadinton, who obtained decret against William Bowar, portioner of Melrose, for 33 l. 6 s. 8 d. of bygone feu-duties preceding Whitsunday 1662, and on 9 June last caused Andrew Phaupe, officer, arreist in Lythgow's hands 30 l. due by him to said William Bowar; William Edgar, procurator for pursuer, referred to defender's oath, who deponed he was owing only 3 l. to Bowar and had paid 50 s. thereof 'quhilk he delivered to the baillie for his maill,' and so is resting only 10 s.

*Eodem die* decerns William Carnecroce of Allanshaw to pay to John, Earl of Hadinton, and his chamberlains 28 l. Scots due by him to William Moffet, portioner of Threipwood, and arreisted for bygone carriages due by Moffet and his authors and predecessors for his lands in Threipwood preceding Whitsunday 1662; referred to defender's oath, who deponed he was owing only said 28 l. to Moffat, payable next Martinmas. Supersedes execution till Martinmas next.

*Eodem die* decerns Isobel Barrie and Margaret Barrie, only lawful daughters and heirs portioners retoured to deceased William Barrie, portioner of Galtonside, to pay to John, Earl of Hadinton, certain feu-duties resting by them and their father for 2½ acres of land in Galtonside, viz. from Whitsunday 1646 to Martinmas 1655 for the said

2½ acres, 6 l. 2 s. 11 d. termly or 12 l. 5 s. 10 d. yearly<sup>r</sup>; and for one acre from Whitsunday 1658 to Martinmas 1660, 4 l. 18 s. 4 d. yearly; for 2½ acres, Whitsunday and Martinmas 1661, 12 l. 5 s. 10 d.; for one acre, Whitsunday 1662, 2 l. 9 s. 4 d.; also for nine long carriages at 18 s. and 9 kainfowls at 6 s. 8 d., 10 l. 16 s.; extending in all to 138 l. 0 s. 10 d. Scots. William Edgar, pursuer's procurator, referred to defender's oaths, who not compearing were held as confessed; expenses 10 merks.

*Eodem die* decerns said Isobel and Margaret Barrie, heirs foresaid, to denude in favour of John, Earl of Hadinton, their possession of 11½ acres of land in Gattonside, with pertinents, which their deceased father comprised from Alexander Barrie in Gattonsyd, and of which the deceased Thomas, Earl of Haddington, granted a charter to said William Barrie upon the apprising; but seeing only three of the said acres were occupied by him by virtue of the apprising and the rest pertained to the said Earl Thomas and certain other persons in Gattonsyd, the said William by his Bond, dated at Edinburgh 6 March 1634, obliged himself to denude of the said apprising so far as concerned the remaining acres, and that in favour of the said Earl and his assignees; and the deceased Thomas Earl of Hadinton, grandson of the above and brother of the present Earl, pursuer, obtained decret, 18 November 1643 against said William Barrie for above effect; yet as the terms thereof are not yet fulfilled, this action is raised against William's daughter and heirs foresaid by the present Earl, John; who compeared by William Edgar, his procurator, and the defenders failing to compear and decerned to denude as above (except of the three acres foresaid occupied by their deceased father); the pursuer's procurator having produced the writs upon which the pursuer founds. (This decret is recorded *in extenso*.)

Melrose, 9 August 1662; Gideon Jackson.

Which day, decerns John Pringle in Threipwood, tenant to John Lythgow, and Thomas Wilsone in Pilmuire,

to pay to John, Earl of Hadinton, 19 l. 3 s. due to said John Lythgow and Thomas Wilson and arreisted in his hands for bygone kain and carriages owing by them to the Earl; referred to defender's oath, who confessed he was owing to them 40 merks yet in his hand unpaid; expenses 2 merks.

*Eodem die* decerns Walter Carnecroce, eldest son of William Carnecroce of Allanshaw, to pay to John Thomsone in Stow and Janet Chisholme his spouse 28 l. Scots borrowed from said Janet in December last, and 5 l. 6 s. 8 d. due by him to the pursuers 'for drink bought and drunken be him,' extending to 33 l. 6 s. 8 d.; referred to defenders who failed to compear and so held as confessed; expenses 4 l.

*Eodem die* absolves Andrew Darling, portioner of Apletrieleaves, from action by William Wilsone, weaver in Longhauche, narrating that Darling owed him 1000 merks and promised for annualrent 5 bolls of bear yearly, and is resting 5 bolls for crop 1658 'notwithstanding of a discharge granted be the said William to him upon his faithfull promise that the beare was in his barne readie to dight,' and next year thereafter the said Andrew acknowledged he was owing the foresaid victual for the previous year, and then and since has promised payment 'with ane boll beir for the trust therof'; and he is also due 15 l. 10 s. to the pursuer after accounting between them in February last; referred to defender, who deponed he had paid the bear to the pursuer and owed nothing of it, and confessed the 15 l. so absolves from the foresaid 5 bolls of bear, and decerns to pay the 15 l. with 18 s. expenses.

*Eodem die* decerns James Mylne in Melrose to pay to William Edgar, fiscal, 100 l. Scots as a fine 'for layeing ane trayne of corne in winter last in the said William Edgar his yaird and killing of ane great number of the Earle of Hadintones dowes by ane gune, expreslie contrare to the acts of Parliament'; referred to defender, who confessed and came in the bailie's will, 'who instantlie

ordained him to remaine in prisone untill he payed the forsaied 100 lib. or gave band and securitie by cautione therfor.'

*Eodem die* decerns John Fisher of Wester housebyre to pay to Simeon Waderston, sometime in Byrecleughe, now in Collilaw, 23 l. Scots, and 10 merks as the price of half a boll of bear, extending to 29 l. 13 s. 4 d., for grazing 11 score and 18 lambs from June 1645 till Michaelmas thereafter, conform to agreement; referred to defender, absent, held as confessed; expenses 3 l.

*Eodem die* decerns James Turner in Longshaw to pay to William Denholme, portioner of Ersilton, 25 l. Scots as balance of 175 l. due by John Nicolsone, flesher in Tranent, to Denholm, and for whom Turner became cautioner; referred to defender, who confessed; expenses 3 l.

*Eodem die* decerns Thomas Bowstoun, portioner of Galtounside, 'called Dukdube,' to pay to Thomas Mercer in Easter Longlie 12 l. for oats bought in March 1660, payable at Martinmas thereafter; referred to defender, who absenting is held as confessed; expenses 30 s.

*Eodem die* decerns Thomas Blaikie in Westhouses and Margaret Darling his spouse to pay to John Scot, weaver in Galtonside, 3 l. 16 s. Scots 'as the pryce of wtbreid<sup>1</sup> furnished be him to them and wobs wrocht by him to them preceeding this day'; defenders absent; 12 s. expenses.

*Eodem die* decerns John Meine, son and heir of deceased Barnard Meine, eldest lawful son and heir of deceased John Meine portioner of Newsteid, and his tutors and curators (if any), and Barbara Andersone, widow of said Barnard, to pay to Isobel Milne, only lawful daughter of the deceased Nicol Milne, portioner of Newtowne, and Annabell Mein her mother and tutrix, 50 merks, and 5 l. of expenses, and the interest due since Whitsunday 1654, contained in a

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<sup>1</sup> ?for outbreadth (overwidth).



Bond by said Barnard Mein to said Nicol Mylne, whom failing, to said Isobel his daughter; pursuer produced bond and referred intromission with goods to defenders, who failing to compear are held as confessed.

Melrose, 16 August 1662; Gideon Jackson.

Which day decerns James Stoddert and Archibald Gibsone in Threipwood to pay to John, Earl of Hadinton, for feu duties and carriages due for their respective lands in Threipwood preceding and including Whitsunday 1662, 28 l. 15 s. 6 d. and 34 l. 3 s. respectively due by them; pursuer produced the defender's charters specifying the duties, and referred to defender's oaths as to the sums being still unpaid; defenders absent; modifies 30 s. expenses by James Stoddert, 36 s. by Gibsone.

*Eodem die* decerns John Cochrane, herd in Longshaw, and George Turner in Overlongshaw, his cautioner, to pay to Mr. John Scot of Longshaw 20 merks as price of 5 sheep lost by the herd and not accounted for by skin or birne; parties submitted to Andrew Cairnecroce of Colmeslie and John Fisher of Westerhousebyre, who decerned as above.

*Eodem die* decerns John Sownhouse, portioner of Blainslie, to pay to William Edgar, fiscal, 20 merks due by him to James Caldcleugh, portioner there, and arreisted in his hands by the fiscal as a fine imposed on Thomas Caldcleugh there for deforcement, for whom the said James became cautioner; referred to Sownhouse's oath, who confessed he was owing more than the said 20 merks; 24 s. expenses.

*Eodem die* decerns John Darling and John Stirling in Blainslie to pay to William Edgar, procurator fiscal, 50 l. by the former for striking Bessie Lyell, servitrix to John Sownhouse, portioner there, to the effusion of her blood, and 10 l. by the latter for striking the said John Sownhouse; referred to defender's oaths, and Darling

confessed and came in the bailie's will, and Stirling confessed giving Sownhouse 'a switche with a wand.'

Melrose, 4 October 1662; Gideon Jackson.

Which day decerns James Carnecroce in Galtonside to pay to John Mabane, portioner there, 11 l. Scots, with 33 s. 4 d. expenses, as balance of 17 l. contained in decreet 20 September 1651 at Mabane's instance against him; decreet produced, defender absent.

*Eodem die* absolves George Tailyeor, portioner of Blainslie, from action by James Sownhous there, narrating that in September last Tailyeor and his servants intromitted with and took away three threaves of bear of the pursuer's to his own barnyard, and will not deliver the same or the price thereof; referred to defender's oath, who deferred to pursuer, who refused to depone; so absolves. Thereafter Tailyeor gave in a petition representing that in September last William Cranston in the Roan intromitted with and took away five stooks nine sheaves of bear of his in place of his own, and George Moffet, Taylor's servant, thinking it had been the servants of James Sownhouse, who was sick himself, that led it away, in respect they were his next neighbours, therefore he led away 'the uther nixt rig pertaining to James Sownhouse, being 5 stooks and 10 sheaves of beir; and as soone as the said George Tailyeor was informed that the samyne beir that his servands had led did belong to the said James Sownhous and that it was the said William Cranston who had led his, he sent the said beir with his owne cairts to the said James Sownehous, who did receive the samyne and keiped it in his custodie untill the morrow thereafter that Bessie Rolmanhous his wife come and brought the same bak and flang it in over the said George his barnyard dyk, wher it is yet, and wrongouslie refuses to receive and accept of the samyne againe but daylie troubles and persewes him therfor.' This being openly read in court the bailie ordains Taylor to redeliver the

bear on Monday next and Sownhouse to accept the same, and decerns William Cranston to pay and satisfy Taylor for the bear intromitted with by him, before Monday night at the sight of Edward Darling and John Pringle, portioners of Blainslie.

‘Heid Court of the regalitie of Melrose begune and holden upon the elleventh day of October 1662 be the said Gideon Jacksone, baillie deput to the said noble and potent Earle; Andro Phaupe, officer. Court lauffullie affirmed.’

Which day, decerns James Wauche in Melrose to restore to Andrew Ker, younger of Litledeane, ‘ane Monrose pistoll halfe bend with the heck and work in alse good conditione as he fand her in December 1660 or therby,’ or else pay a certain sum as its value; pursuer proved his claim by Robert Maben in Danyielton and Thomas Elleis, wright there.

*Eodem die* decerns Marion Hendersone in Colmslie and John Wauch her son to pay to John Lythgow, portioner of Newhouses, 8 l. Scots of damage and loss sustained by pursuer for want of John Wauch’s service, whom the said Marion hired to the pursuer from Whitsunday 1662 to Whitsunday 1663, and the latter promised 10 l., a pair of shoes at 40 s., 5 sheep’s grass at 3 l. 6 s. 8 d., and a pair of white hose at 18 s. 4 d., extending to 16 l. Scots; and Wauch having entered at Whitsunday remained till August, ‘and then in the tyme of the winning of hay and harvest when the said persewer stood most in neid of his service’ he causelessly deserted; referred to defender’s oath, who confessed the agreement and deponed ‘shoe nether knew the cause of her said sones deserting of his said service nor wher he was for the present’; expenses 12 s.

*Eodem die* decerns Maly Sklaitter in Danyielton to pay to Margaret Elliot, widow there, 52 s. borrowed from Margaret Patersone, daughter of Margaret Elliot, 8 s. due to James Patersone, son of said Margaret Elliot, 27 s.

borrowed from Janet Patersone, daughter of same, and 6 s. borrowed from pursuer herself, extending in all to 4 l. 13 s. and that on behalf of pursuer and her said children; referred to defender's oath, who confessed; expenses 6 s. 8 d.

*Eodem die* decerns Maly Sklaiter in Danzielton to pay to Helen Edgar, daughter of William Edgar, portioner of Melrose, 12 l. Scots borrowed from pursuer in 1659 and 1661; referred to defender's oath, who confessed; expenses 12 s.

*Eodem die* absolves James Edgar in Melrose and Margaret Elleis his mother from action by Robert Ker of Faldonside, who obtained decret, 22 January 1659, against James Wauch in Melrose for 40 l. with 48 s. expenses, by virtue whereof Andrew Phaupe, officer, arreisted in the hands of said James Edgar and his mother 10 l. and a firlot of meal resting unpaid by them of harvest fee, crop 1662, to said James Wauche, and 30 l. in the hands of Andrew Lukup in Danyielton due by him to Wauch; referred to defender's oaths, and Edgar and his mother deponed they owed Wauch nothing, having paid his harvest fee beforehand long prior to the arrestment; Lukup deponed he owed 20 l. to Wauch, and had at the latter's direction paid 8 l. thereof to James Mein before the arrestment, and so rests 12 l. which he is not obliged to pay till Candlemas next. Decerns Lukepe to pay 12 l. superseding execution till Candlemas, and Ker to find caution 'to answer the said James Wauche as law will befor the extracting of this sentence'; expenses 13 s. 4 d.

*Eodem die* absolves Thomas Turner in Ridpeth and Agnes Simpstone his spouse from action by Thomas Wood, schoolmaster in Ersilton, who in July last 'left ane jowpe in the said Thomas Turner his house, which jowpe the saids defenders wold ounaways confesse nor redeliver' without compulsion; referred to Turner's oath, who denied ever having seen the 'jowp.'

*Eodem die* decerns Thomas Lythgow in Ridpeth to pay

to William Edgar, fiscal, 10 l. of a fine for a riot committed by him upon Andrew Carnecroce there and George Chrystie his servant in August last ; referred to defender's oath, who failing to compear is held as confessed.

*Eodem die* George Pringle of Buckholm complains against the inhabitants of Melrose for 'casting downe his yaird dyks, making hie wayes, rods, and pasages therthrow wher non was wont to be of befor, and pastures ther bestiall of all sorts therin, pulling, eating, and careing away of his fruit and breaking downe of his fruit trees,' to his great loss. The bailie ordains George Pringle to put up and repair his yard dykes sufficiently, and whatsoever person shall be found hereafter in his orchard eating or taking his fruit, and whatever horse, nolt, or other beast shall be found by him or others in his name pasturing therein, to poind and detain the person and beast till the person and owner of the beast pay 6 s. 8 d. for each offence.

*Eodem die* absolves Andrew Carnecroce, portioner of Ridpeth, from action by David Browne of Park, narrating that in 1643 they mutually agreed 'that the said David Broun sould remove ane gavell wall of his and gavell wpon the said Andro his house nixt adjacent in respect both the houses ware prejudged by raine, quhilk accordingly was done and stood so untill about 4 or 5 yeares since or therby the said Andro did impeid and trouble the said David in the possessione of the said gavell, and still troubles him, to his prejudice.' Carnecroce produced the written agreement 'beareing that the said David Broun persewer granted him to have gavelled upon Andro Carnecroce with leave asked and given, with this provisione that it sould be leasume to the said Andro or his aires to dispose wpon his owne hous as it pleased him at any tyme thereafter, and in that caice' the said David oblist him to gavell upon his owne ground.'

*Eodem die* decerns Nicol Carnecroce in Longshaw to pay to John Hendersone in Lawder 48 s. Scots as the

price of two ells of 'gray' promised by him to the pursuer for superseding payment of the price of 20 ewes and lambs brought by defender from pursuer; pursuer obtained warrant from this bailie-depute to the bailie-depute of Lauder to examine two witnesses, whose depositions reported by him clearly prove the libel; expenses 6 s.

'This day the baillie depute considering the low raite of the victuall this cropt and that notwithstanding therof the brewars still taks 2 s. for the pynt of ther aill to the prejudice of the liedges and refuissed to sell ther aill at 20 d. the pynt as uthers about does without they ware compelled, therfor the said baillie deput ordaines all and sundrie the brewars of this regalitie not to vend or sell any aill to any persone efter this night but according to 20 d. the pynt, ilk persone contraveiner under the paine of five pundis for ilk failie *toties quoties*, and ordaines Andro Phaupe, officer, to intimat thir presents at the mercat croce of Melrose this mercat day that none may pretend ignorance.'

Melrose, 18 October 1662; Gideon Jackson.

Which day decerns Margaret Elleis, widow in Melrose, to pay to William Edgar, fiscal, 10 l. for a riot committed by her upon Jean Somervail, spouse to Michael Gibson in Melrose, and Margaret Sheell their servant, on 14 October instant; pursuer adduced three witnesses, and bailie referred the matter to an assise who unanimously found Elleis guilty 'by the mouth of ther chancellor.'

*Eodem die* decerns Mr. Michael Fisher of Sorrowlesfeild and John Rodger in Ridpeth to pay to William Edgar, fiscal, each the sum of — 'for ther traduceing on another upon the 4 day of October instant at Ersilton being casting at the bullets, and most inhumanly beat and strouk on another to the effusione of ther bloods'; referred to defenders' oaths, who being absent are held as confessed.

*Eodem die* decerns John Andersone, portioner of

Ridpeth, to pay to John Black in Brotherstones 8 l. Scots as price of a boll of seed oats bought by him from Anderson in February last, who was to deliver same to pursuer next morning; referred to defender's oath, absent; 10 s. expenses.

*Eodem die* decerns John Broune in Ridpeth to pay to George Mercer, servitor to the Earl of Hadinton, 10 merks still resting of 100 merks due to pursuer, and 40 s. for 5 years' interest, in his Bond to pursuer dated at Ridpeth, 12 November 1648; bond produced, and defender confessed; expenses 12 s.

*Eodem die* decerns John Leitham in Lessudden to pay to George Bourehill in Fans 4 l. as price of two stacks of peats bought by defender this year, to be paid last Michaelmas; referred to defender's oath, absent; 8 s. expenses.

Court of Melroseland, 25 October 1662; Gideon  
Jacksone, bailie.

Which day decerns the following to pay certain sums to Archibald Moffet, portioner of Threipwood, viz. William Carnecroce of Allanshaw 100 merks; Andrew Atchesone, herd in Colmesliehill, 40 l.; Edward Rolmanhous in Blainslie 21 l.; John Sownhous there 34 l. 16 s.; Thomas Thomsone there 8 hogs at 50 s. the piece, being 20 l.; William Cranston in the Roan 57 s. and 10 hogs at 50 s. the piece, being in all 27 l. 17 s.; Thomas Laidlaw, elder, in Williamlaw, and William Laidlaw his son, 6 l.; and Robert Knycht in Threipwood 7 l.; which they are owing to George Patersone, indweller in Blainslie, and are arreisted in their hands by Moffet for his relief in becoming cautioner for the said George Patersone, 'who was delaited for witchcraft,' to enter him to the tolbooth of Melrose when required under a penalty of 600 merks, and the said George Paterson by his flight has taken the crime upon him and is liable in the penalty. Referred to defender's oaths, who confessed, except Thomas and Willaim Laidlaw, who

refusing to depone are held as confessed ; expenses 2 s. for every 20 s. due, to be paid by the defenders according to their proportions of debt.

*Eodem die* decerns Walter Carnecroce, eldest lawful son of William Carnecroce of Allanshaw, to pay to Ephraim Wilkiesone 'in the house of the Moor' 24 l. Scots as the price of 12 hogs promised to pursuer in March last or else the said sum in case of failure ; defender confessed, and offered to prove payment made, but succumbed in three terms ; expenses 3 l.

*Eodem die* decerns John Learmont in Westhouses and James Mairtine there to pay to John Maben there 4 l. and 5 l. respectively due by them to Adam Darling there, and arreisted in their hands for the like sum due by Darling to Maben ; referred to defender's oaths, absent.

*Eodem die* decerns John Scot, weaver in Galtonside, to pay to Andrew Marr, portioner there, 24 l. Scots as the price of his fruit in his yard in Galtonside this season 1662, promised to be paid before the Rude day thereafter [*sic*] ; referred to defender, who absented ; expenses 24 s.

*Eodem die* absolves James Waugh in Melrose from action by John Maben in Westhouses claiming for Waugh's meat, drink and bed for 15 days at 8 s. per day, 6 l., and bed and board for other 15 days at 6 s. per day, 4 l. 10 s., and for his bed for 5 weeks at 2 s. the night, 3 l. 10 s., and for his bed for 6 days since, at 2 s. is 12 s., extending in all to 14 l. 12 s. Scots ; referred to defender's oath, who depones negative.

*Eodem die* decerns Walter Carnecroce, eldest son of William Carnecroce of Allanshaw, to pay 13 l. to Anna Lawder, spouse to George Frame, burgess of Lauder, conform to his ticket dated — 1662 ; ticket produced ; expenses 24 s.

*Eodem die* decerns James Bowar in Eildoun to pay to John Bowar, Eister, portioner there, 16 l. as price of two bolls of oats, and to deliver to him this year's hay, and



12 s. 'for ane apeltre'; referred to defender's oath, who confessed; expenses 30 s.

*Eodem die* decerns Andrew Atchesone in Colmesliehill to pay to George Turner and Adam Hislope, millers in Longshaw mill, 25 s. Scots as the price of half a firlof of meal and 'shilling' for the multure and knaveship of 4 bolls of oats abstracted by him since June last; defender confessed; expenses 4 s.

*Eodem die* decerns Mark Blaikie, portioner of Melrose, to pay to Robert Marr there 22 l. due by him to Andrew Tuno, portioner there, and arreisted in his hands for the like sum due by Tuno to the pursuer conform to his decreet in May last; referred to defender's oath, who confessed, but declared he was not obliged to pay till Candlemas; supersedes execution till then; expenses 24 s.

Melrose, 1st November 1662; Gideon Jackson.

Which day decerns John Greive and James Rolmainhous younger, in Blainslie, to pay to George Tailyeor, weaver and portioner there, three bolls ferme victual half meal half bear as the ferme of a half land in Blainslie, crop 1662, now pertaining to the pursuer and acquired by him from John Davidson by Disposition, 29 November 1661; referred to defender's oaths, who confessed but declared they were [not] obliged to pay till between Yule and Candlemas next. Expenses, 24 s.

*Eodem die* absolves Margaret Davidsone in Blainslie 'for beateing, striking, and wounding of Bessie Rolmanhous ther called the Bender,' and absolves John Stirling, portioner of Blainslie, and Bessie Pringle there 'for striking one another to the effusione of ther blood,' charged against them by William Edgar, fiscal; referred to defender's oaths, who denied.

*Eodem die* decerns Thomas Ker, portioner of Newton, to pay to Alexander Leitch in Blainslie and Alison Boware his spouse 4 l. 10 s. borrowed from said Alison

in 1652; referred to defender's oath, who confessed; 13 s. 4 d. expenses.

*Eodem die* decerns John Thin, portioner of Blainslie, to pay to George Dickson in Burnes a firloft of oats or 30 s. therefor in satisfaction of corn eaten and destroyed by his three horses 'ane wholl night in September last'; expenses 6 s.

*Eodem die* decerns Patrick Blaikie in Wooplaw to pay to James Moss, mealmaker in Ridpeth, 3 l. 18 s. as price of meal bought at Whitsunday 1659; referred to defender's oath, absent, held as confessed; expenses 12 s.

*Eodem die* absolves John Fisher of Auld Melros from action by Patrick Aitkin in Spotswood, who in 1655 'grassed' to Fisher sixscore hogs for a quarter of a year at the agreed-on price of 2 s. per head, extending to 12 l. 12 s.; referred to defender's oath, who deponed negative and denied he ever promised him any money.

*Eodem die* absolves William Ker, portioner of Newtown, from action by Alison Bowar, wife of Alexander Leitch in Blainslie, for 4 l. for service done by her to him about 10 years ago; referred to defender's oath, who deponed negative.

*Eodem die* absolves Andrew Fisher in Westerhousebyre from action by Andrew Phaupe, officer in Melrose, narrating that on 9 August Fisher sent Mr. Michael Wallace to Phaup to agree with him and go and take instruments against the clerk, for which he promised and gave him a rex dollar, and so Phaup went with him to the clerk in James Elleis's house and attended upon him to give instruments, which Fisher did never ask or take but thereafter caused call Phaup forth to speak to him and there fell upon him and bereft him of the foresaid dollar violently by putting his hand in his pocket and taking out all his money and papers, and thereafter rode away; admitted to pursuer's probation, who succumbed therein.

*Eodem die* John Moss, elder, portioner of Darnick, and Margaret Elleis, widow in Melrose, present a petition representing that Andrew Kennedie, portioner of Darnick, wadset to each of them two acres of land lying runrig through and among the town and lands of Darnick, and subscribed the wadset, yet contrary therto he has divided the land to several persons and will not put the pursuers in possession of the said four acres ; so they crave warrant to be given to George Hownham 'Long,' George Hownham, weaver, William Spotswood, and Nicol Mercer in Darnick to pass upon the ground of the said lands and show the petitioners where the said lands lie, that they may enter thereto and be the better enabled to pay my Lord's duty. Being called 11 October 1661, the bailie ordained the said persons to pass to the ground 'and to ken the saids petitioners to the saids lands'; 23 January 1662, parties present, defender denied the claim, and bailie admitted foresaid persons to pass to the ground and report, who reported on 1 November as follows:—At Darnick 31 January 1662, we, William Spotswood, Nicol Mercer, George Hownham 'Long,' and George Hownhame, weaver, portioners of Darnick, 'according to our solemne oathes, anent the actione and cause persewed be John Moss, elder, in vice of Alexander Usher, and Margaret Elleis, against Andro Kennedie,' being advised do declare that the said John Moss and Margaret Elleis 'laiks and is onlie out of the possessioun of ane bute of land in the byre end and ane halfe daill in the bak of the casts belonging to the saids foure aikers of land.' Decerns conform thereto and ordains pursuers to take possession of the same.

*Eodem die* decerns Andrew Lidderdaill, portioner of Lessuden, and David Richartstone and Janet Cochrane his mother, tenants to the said Andrew, to pay to John, Earl of Hadinton, 36 l. 'as the remander for his enterie,' promised at Whitsunday last; referred to defender, absent, held as confessed ; expenses 3 l. 6 s.

Melrose, 15 November 1662 ; Gideon Jackson.

Which day absolves John Sownehouse, portioner of Blainslie, from action by William Edgar, fiscal, against him for beating and striking John Stirling, portioner there, with his hands and feet upon several parts of his body ; referred to defender who deponed negative.

*Eodem die* decerns William Robsone in Lessudden to pay to George Turnbull in Langton 6 l. Scots as balance of 26 l. and 10 merks of expenses in Bond, 4 November 1656 ; bond produced, defender absent, held as confessed ; 12 s. expenses.

*Eodem die* decerns William Fisher, portioner of Newsteid, either to admit and receive Isobel Wishart there home to his service till Whitsunday next conform to their agreement in September last, or else to pay to her 4 l. Scots promised to her in lieu of fee ; referred to defender, who confessed, 'alledging the persewar was ane bakbitter' ; expenses 12 s.

*Eodem die* decerns James Elleis, 'Litle,' in Melrose, to pay to James Mairtine, tailor in Westhouses, 8 l. 13 s. 4 d. Scots as the price of a boll of bear 'lettin' by pursuer to defender in 1661, to be paid at Michaelmas thereafter ; referred to defender, who confessed ; expenses 24 s.

*Eodem die* decerns William Fisher, portioner of Newsteid, to pay to Thomas Marr in Melrose and Janet Gae his spouse 27 l. Scots 'for the said defender his bed, washeing of his cloathes, and fyre provyded be them to him from Whitsunday 1657 to Lambes 1661, being foure yeires and ane quarter,' conform to agreement in May 1657, viz. weekly for his bed 4 s. and weekly for his fire and washing 2 s. ; referred to defender, who deferred to pursuers, who deponed affirmative as claimed ; 48 s. expenses.

*Eodem die* Andrew Phaupe, one of the ordinary officers of the regality, and William Edgar, fiscal, for his interest, complain against John and Robert Leyes in Whytlie, in

respect that while on 8 November inst. Phaup was executing a precept of poinding on the town and lands of Whytlie upon a decret at the instance of Richard Lauder in Lauder against the said John and Robert Leyes of their readiest corn, cattle and plenishing for the sum of 11 l. 12 s. and 12 s. expenses of plea, and after he had poinded 6 oxen and 6 cows to bring them to the burgh of Melrose to be appraised, the defenders and their accomplices to the number of seven persons or thereby all armed with staves not only threatened the officer but by force took from him the goods and drove them off the lands of Whytlie; then the officer apprehended on the lands 20 sheep, but they also took these away; so being deforced he broke his wand and took witnesses. Pursuer compearing by William Kirkwood his procurator, and the fiscal compearing, and defenders absent, the bailie decerns John and Robert Leyes to pay to the fiscal 100 l. Scots. John Moffet and George Broune, indwellers in Lauder, depone as witnesses to the deforcement, and the execution was produced, and all referred to an assise of 15 men, who by the mouth of John Mein, portioner of Newtoun, their chancellor, found the charge proven. [This decret is recorded *in extenso*.]

Melrose, 22 November 1662; Gideon Jackson.

Which day action raised at instance of Robert Pringle of Blindlie against George Pringle in Westhouses, Robert Mertone there, and George Pringle, natural son of Janet Heitone in Coblehouse, who on 11 June last carried off from his lands of Westhouses 28 lambs at 30 s. the piece, being 42 l. Scots, and 5 yeild ewes at 5 merks apiece, being 16 l. 13 s. 4 d., and a fat cow worth 26 l. 13 s. 4 d.; and on 25 June from his lands of Blindlie 'ane young quey and ane meikle kow' worth 30 l.; on 21 July they 'with ane fals key' opened the chamber door within his dwelling-house at Westhouses, broke up his cabinet locks and took out his purse and some jewels and 'purspenies' and 500 merks of money, with several bonds and writs, particularly

a Remission granted to the pursuer by King Charles 1. for the breach of certain penal statutes therein mentioned ; and also the said day they took away 4 l. sterling belonging to him out of his said cabinet, and immediately thereafter took shearers, horses and sleds and caused lead, thrash and take away 10 bolls of oats from his lands of Westhouses at 6 l. Scots the boll with the fodder, being 60 l. Likewise the said George Pringle, natural son of Janet Heiton, on 18 October last took from the lands of Westhouses 'ane young bull stirk' worth 10 l. All the goods despoiled amount to 566 l. 6 s. 8 d. Scots, exclusive of the jewels, writs, etc. above mentioned. The pursuer compearing on 25 October last, and George Pringle in Westhouses, defender, also compearing, and on 15 and 22 November thereafter, and after these three terms the pursuer referring all to the defender's oath, the latter desired inspection of the summons, which was refused, being too late, and the defender refused to depone, but judicially confessed the charge, 'sayeing he was necessitat therto for his owne lifeliehood' ; and the other defenders not compearing were held as confessed, and all three are decerned to restore the goods, money, etc. to the places whence they were taken and in as good condition as they were found, and to pay to pursuer 10 l. expenses of plea. [This decret also given *in extenso*.]

*Eodem die* decerns Thomas Uns, portioner of Lessudden, called 'Laird,' to pay to Thomas Mylne, servitor to Sir William Scott of Mairtine, 14 l. Scots owing by him to deceased John Johnstone in Mairtine conform to his testament, 4 February 1662, to whom pursuer is confirmed executor dative ; testament produced, debt referred to defender's oath, who confessed ; 30 s. expenses. Absolves Thomas Stenhouse in Newtown from 40 s. claimed by said pursuer, 'in respect of his declaratione.'

*Eodem die* decerns John Hoy, merchant in Galtonside, to pay to William Fisher of M'Quhirrie 16 l. 10 s. Scots as balance of 36 l. 'as the agried price of all and sundrie the fruit that grew in the said petitioner his orchaird in

Darnick *anno* 1662' and bought by defender conform to their agreement in July last; referred to defender, absent, held as confessed; expenses 18 s.

*Eodem die* decerns George Hownham in Bridgend to pay to William Fisher of Makquhirrie 5 l. 3 s. of bygone rent, 1659, due by deceased John Hownham his father to the pursuer; defender confessed; 12 s. expenses.

*Eodem die* decerns Richard Moss, portioner of Darnick,\* to pay to Andrew Chisholme, portioner there, 6 l. Scots as rent of 2 acres of land in Darnick set by Chisholm to him in 1651, and besides feu-duty to the superior; defender absent; expenses 10 s.

*Eodem die* decerns James Mertoun, tailor in Melrose, and James Elleis 'Litle' there, to pay to William Kirkwood, messenger, as follows, viz. Mertoun to pay 5 l. 8 s. for the 'custome of the mercat of Melros' from 1 October 1661 to 1 October 1662, payable at Martinmas 1662 under a penalty of 20 s., conform to his ticket, 11 October 1662; and Elleis to pay 4 l. 13 s. 4 d. for said 'customs,' October 1662 to October 1663, by his ticket, 11 November 1662, half payable on Saturday thereafter and half at Candlemas, under same penalty; defenders absent, tickets produced.

*Eodem die* decerns Andrew Penman in Melrose to accept from Thomas Wright in Caldsheill 23 s. 8 d. in full satisfaction 'of his sone Andro his fie' from Whitsunday 1658 to Whitsunday 1659, and Andrew to discharge Thomas therefor; 'becaus of the depositione of the witnesses deduced in the said matter.'

*Eodem die* decerns in action raised at instance of George Bulman, eldest lawful son of deceased Stephen Bulman in Longnewtoun, against Agnes, Alison, Christian, Margaret, and Janet Kyll, only lawful daughters and apparent heirs portioners of deceased John Kyll, portioner of Lessudden, and their tutors and curators (if any), and — Wilsone, cooper in Hadinton, spouse of said Agnes Kyll, for his interest, narrating that said deceased John Kyll, portioner

of Lessudden, then indweller in Longnewtown, granted Bond, at Longnewton, on 18 April 1642, to said deceased Stephen Bulman, indweller in Longnewton, for 99 l. Scots, with 20 l. of penalty if unpaid at Whitsunday 1643, and also Bond, at Melrose, on 15 April 1643, to same for 227 l. 13 s. 4 d., half payable next Martinmas and half at Whitsunday 1644, under a penalty of 20 merks, and also Bond, at Longnewtown, on 19 April 1643, to same for 100 merks, payable at Beltane, 3 May 1643, under pain of 10 l., upon all which Bulman purchased letters of inhibition against Kyll dated 7 April 1644. Also Kyll granted Bond, at Longnewton, 16 June 1645, to said Steven Bulman for 100 merks, payable at Midsummer 1646, penalty 10 l., and also said John Kyll '*alias* Jackielaw' granted Bond, at Melrose, 18 December 1647, to said Steven Bulman and Agnes Lythgow his spouse for 100 merks, payable at Martinmas 1648, penalty 10 l., and also Bond, 2 February 1648, to them for —, with 5 l. penalty, and also Bond, at Melrose, 18 November 1648, to them, whom failing, to Robert Bulman their son, for 100 merks and a year's interest, payable at Lammas thereafter, penalty 10 l.; upon which four Bonds Bulman and his wife raised letters of inhibition against the granter, 30 May 1649; and said Stephen Bulman on 16 April 1652 assigned the seven bonds to his said spouse, who by Translation dated at Longnewton, 24 March 1655, assigned and disposed the same to said George Bulman, her son, pursuer, who accordingly charges Kyll's daughters to pay the sums due by the said Bonds. Defenders being cited on 24 June and 4 August and 14 October by William Kirkwood, messenger, to compear on 18 October last, the pursuer compeared personally with said messenger as his procurator, and produced all the Bonds, Assignations, executions, etc. above specified, and none of the defenders compearing, the bailie decerns and ordains the said heirs portioners and — Wilson for his interest to pay to the pursuer the whole amount of the debt, extending to 686 l. 13 s. 4 d. with interest from Martinmas 1648 to Martinmas 1662, amounting to 540 l. 12 s. John Bryddin in Lessuddine compeared and



protested that any right he has to any of the lands pertaining to said deceased John Kyll be not hereby prejudged, which protestation is admitted.

Melrose, 29 November 1662.

Which day decerns Robert Trotter, portioner of Newsteid, Barbara Andersone, and John Davidstone, portioner of Blainslie, for their interests, to deliver to Andrew Carnecroce, portioner of Ridpeth, three bolls of bear due by him of ferme 1662 to said Barbara Andersone 'and her said spous' and assigned by her to the pursuer, 31 October 1660, and arreisted at his instance in Trotter's hands; assignation produced, defenders absent.

*Eodem die* decerns Andrew Merser, portioner of Darnick, 'called Pool,' to pay to Jean Hadden, servitrix to John Pringle of Williamlaw, 31 l. 10 s. Scots as price of some victual, viz., a boll of meal at 16 l. 10 s. a firlof of meal at 3 l., and a boll of pease at 11 l. 10 s., bought from pursuer, to be paid last Michaelmas; referred to defender's oath, who compeared not; expenses 30 s.

*Eodem die* decerns Nicol Cochrane, portioner of Newtown, and James Gurlay, shoemaker in Melrose, and Bessie Cochrane his spouse, for their interest, to pay to William Kirkwood, messenger, 15 l. Scots due by Nicol to Bessie and her spouse, and arreisted by pursuer in his hands for 12 l. of principal and 3 l. expenses contained in Bond by Gurlay to him in 1662; referred to defender, absent.

*Eodem die* decerns Isobel Clerk, daughter of deceased John Clark in Ersilton, and apparent heir to him, to pay to Charles Clark in Galtonside 69 l. 6 s. 8 d. in satisfaction of 50 merks of principal and 8 l. expenses contained in Bond, 10 October 1643, by said John Clark and Helen Andersone his spouse and said Isobel to him, and interest from Martinmas 1644 to Martinmas 1662, 18 years; pursuer produced decret of the Commissary of Lauder, 3 August 1658 obtained by him relative hereto; defender absent, expenses 8 l.

*Eodem die* decerns Robert Forsan, miller in Newsteid, to pay to Helen Hay, wife of James Lythgow of Drygrange, 9 l. 14 s. Scots conform to his ticket to her, 7 May 1662 ; ticket produced, defender confessed.

Melrose, 6 December 1662.

Which day decerns James Mairtine, tailor in Westhouses, to pay to William Bell, portioner of Galtonside, 14 l. 14 s. as balance of price of some oats bought from pursuer in September last ; referred to defender, absent ; expenses 30 s.

*Eodem die* decerns David Thomson in Longhauche to pay to William Wilsone there 12 l. Scots as balance of price of some bear bought by William Freir in Galashiels in 1659 from the pursuer, for payment whereof Thomson became cautioner ; referred to defender, absent ; 30 s. expenses.

*Eodem die* decerns James Sympsone in Eildon to pay to John Mein, tacksman of the mills of Melrose, double multure for 4 bolls of oats abstracted by him in November last, and 10 l. of penalty ; defender confessed.

*Eodem die* decerns Patrick Blaikie in Wouplaw and Archibald Moffet in Threipwood to pay to James Moffet in Galashiels as follows : Blaikie to pay 6 l. Scots as price of some meal, bear, and pease bought in 1658, and Moffet to pay 5 l. as price of some cheese and a tup bought in 1658, to be paid within 10 days thereafter ; referred to defenders, who compeared not ; each to pay 12 s. expenses.

*Eodem die* decerns Margaret Bowstoune, widow of Andrew Cook in Darnick, to pay to James Usher there 13 l. Scots of bygone interest on the principal sum of 75 l. due by her to him conform to Bond, and for warrandice whereof he has two acres of land in wadset ; referred to defender, absent ; 30 s. expenses.

*Eodem die* decerns William Cairnecroce of Allanshaw

to pay to Robert Dalgleshe, merchant in Selkirk, 6 l. 10 s. as price of butter bought in September 1661; referred to defender, absent; 12 s. expenses.

*Eodem die* decerns Patrick Riddell in Lessudden to pay to William Cuthbertsone in Elleiston 13 l. 3 s. as balance of price of 2 bolls 1 firloft of bear bought from pursuer; referred to defender, absent; 30 s. expenses.

*Eodem die* decerns Andrew Bryden, portioner of Lessuden, etc., to pay as follows to James Stoddert of Camieston, viz. Bryden to pay 14 l. 8 s. as the price of 6 meikle falls of bear at 12 l. the boll, due of bygone ferme 1661; John Paton there to pay 27 l. for bygone ferme; Janet Coitt there, for 8 little fulls of bear at 12 l. the boll, 9 l. 12 s., for ferme 1661; Andrew Uns there to pay 15 l. for 6 firlofts of bear at 12 l. the boll, due for crop 1661; and David Uns there to pay —; referred to defender's oaths, who all confessed, except David Uns, absent, held as confessed. Thereafter John Paton consigned in the clerk's hands 13 l. 8 s., Janet Coitt 8 l., and Andrew Uns 8 l. 6 s. so absolves *pro tanto*; 2 s. expenses to be paid for each 20 s. of principal.

Melrose, 13 December 1662; Gideon Jackson.

Which day decerns George Elleis in Darnick to pay to William Bell in Faldonside 24 s. Scots as price of meal bought from pursuer in June last; referred to defender, absent; 8 s. expenses.

*Eodem die* decerns John Scott in Galtonside to pay to Robert Dalgleshe in Selkirk 3 l. as balance of price of a stone of butter bought from pursuer at Lammas 1661; defender absent, held as confessed.

*Eodem die* decerns Walter Graimslaw to pay to James Stoddert of Camieston 27 l. 2 s. of bygone house maills; referred to defender, confessed; 30 s. expenses. Execution superseded till Pasch.

Melrose, 3 January 1663 ; Gideon Jackson.

Which day decerns George Elleis, wright in Darnick, to pay to William Edgar, fiscal, 100 l. Scots for deforcing Andrew Kennedie, officer, on 27 December last while he was pouding him for satisfaction to William Bell in Faldonside of 24 s. Scots of principal and 8 s. of expenses contained in decreet at his instance, 3 December last ; probation by oaths of George Hownham 'Long' in Darnick, Thomas Mar there, and George Mercer there.

*Eodem die* decerns Walter Carnecroce, eldest lawful son of William Carnecroce of Allanshaw, to pay to David Thomsone in Longhauche 7 l. Scots due for necessities furnished to him in July last ; referred to defender, absent ; 16 s. expenses.

*Eodem die* decerns Janet Thomsone in Darnick to pay to William Maben in Galashiels 10 merks for a stone weight of lint bought from pursuer at Michaelmas 1661 ; defender absent, held as confessed ; 13 s. 4 d. expenses.

*Eodem die* decerns Patrick Blaikie in Wooplaw to pay to William Wilsone in Langhauche 12 l. 5 s. borrowed from pursuer in July last, 'as the remainder of ane greater sowme,' ; and a hog, 24 s. ; total 13 l. 9 s. ; defender absent, held as confessed ; expenses 26 s.

*Eodem die* decerns John Scott and John Hoy, indwellers in Galtonside, to pay to William Edgar, portioner of Melrose, 40 l. 14 s. Scots still unpaid of 48 l. Scots as the agreed-on price of 'all and sundrie the fruit that grew in the said William Edgar his orchyaird in Melros, cropt 1662,' promised to be paid by them by Michaelmas thereafter ; referred to defenders, absent ; 3 l. expenses.

*Eodem die* decerns John Andersone, portioner of Ridpeth, and Isobel Anderson, his mother, to pay to Janet Bartane in Drygrange 9 l. Scots 'for her serveing them in anno 1660 ; more, lent to the said John Andersone, 12 s.' ; total, 9 l. 12 s. ; referred to defenders, absent ; 18 s. expenses.

[Melrose], 6 January 1663 ; Gideon Jackson.

Compeared Helen Moss, spouse to John Moss, younger, portioner of Darnick, and produced a Ratification and Disposition granted by her with consent of her said husband in favour of John Moss, elder, portioner of Darnick, her father, and Janet Moss, his second lawful daughter, and Andrew Renneldsone her spouse, approving a Discharge granted by them to said John Moss, elder, dated at Melrose, 11 March 1662, of the terms of Contract of marriage between them dated 2 October 1657 and tocher, etc., therein mentioned, and of all portion, legacy, executry, etc., which they could claim from said John Moss, elder, or Marion Usher his spouse, alive or after death, and selling and disposing heritably and irredeemably to said Janet Moss, second daughter as above, all lands, feus, wadsets, tacks, etc., that may fall or appertain to said Helen as heir portioner to her father, particularly their part and portion of six acres of land in Dernick of old pertaining to deceased James Heatton there, thereafter to James Mosse, thereafter to said John Moss, her father, son of said James, with teind sheaves and pertinents, and her part and portion of 2 acres of land lying runrig in Dernick, also pertaining to her father, and of these 4 acres of land called the Laird's lands, also pertaining to him, in the town and territory of Dernick ; and this deed she now ratifies in judgment, *extra presentiam mariti*, as being granted voluntarily by her ; whereupon John Mosse took instruments for himself and his daughter Janet and her spouse. [The date of the above deed is not mentioned.]

*Curia, decimo septimo Januarii anno 1663.*

Which day decerns John Coitt and Andrew Riddell in Lessudden, and Patrick Ridell for his interest, to pay and deliver to William Cuthbertsone in Elleistone 3 bolls 3 firlots of bear arreisted by him in their hands for satisfaction of 13 l. 2 s. and 30 s. expenses in his decreet, 6 December last, against said Patrick Riddell ; decreet, etc., produced, defenders absent ; 16 s. expenses.

*Eodem die* absolves Helen Hay, wife of James Lythgow of Drygrange, from action against her and her husband for his interest by Robert Forsan, miller at Newsteid, for 5 l. 10 s. lent by him and Rachel Duncan his wife to said Helen Hay and paid to others for her in June last, and 40 fish at 10 s. apiece, *inde* 20 l.; referred to her oath, who deponed negative.

*Eodem die* decerns James Archbald in Lessuden and Janet Brotherstones his spouse to pay to John Muray, indweller in Bowdoun, 4 l. Scots as balance of 16 l. 10 s. in their Ticket to him, 18 February 1660; ticket produced, defenders absent; 16 s. expenses.

*Eodem die* decerns John Cochrane in Lessudden to pay to Mark Ker there 3 l. for his fee from Whitsunday to Martinmas, 1661; defender absent; 10 s. expenses.

*Eodem die* decerns Archibald Moffet, portioner of Threipwood, and James Moffet, younger, now in Galashiels, for his interest, to pay to John, Earl of Hadinton, 8 merks due by Archibald to James and arreisted at the Earl's instance for a certain sum due by said James Moffet; George Moffet, son of said Archibald, compeared and confessed; 10 s. expenses.

*Eodem die* action raised by James Lythgow of Drygrange and Helen Hay his spouse against Robert Forsan, miller in Newsteid, who 'by himselfe, his wife, bairnes, familie, servands and uthers in his name daylie kills fishes in the River of Tweid pertaining to the said James Lythgow, and also at his owne hand howes up broome upon the saids lands of Drygrange and pulls up ther heather, and ound-ways will desist to doe the samyne,' to their great prejudice. Defender present, confessed; the bailie decerns and ordains him 'to desist and cease from howeing of any broome or pulling up of any heather at any tyme heirefter without speciall licence sought and obtained of the said James Lythgow and his said spous, under the paine of 13 s. 4 d. for ilk failzie *toties quoties*.' [Nothing said about fish.]

Melrose, 31 January 1663.

Which day decerns Robert Trotter, portioner of Newsteid, and Barbara Anderson, widow of Barnard Mein, portioner there, now spouse to John Davidstone, portioner of Blainslie, to deliver to Isobel Mylne in Newtoun 3 bolls of bear (deducting 9 l. 4 d. Scots 'of the forend of the samyne' paid by Trotter of cess) due by him of ferme to said Barbara and her spouse for crop 1662; also decerns Mark Blaikie in Melrose to deliver the said Isobel 6 bolls of bear due as above; and this in satisfaction to Isobel Mylne of the sum of 51 l. 13 s. 4 d. of principal and 5 l. expenses of plea contained in her decret, 9 August last against Barbara Anderson. Referred to defender's oaths; Trotter confessed, and produced account for cess; Blaikie absent, held as confessed; 30 s. expenses.

*Eodem die* absolves Robert Mein, elder, mason in Newsteid, John Mein his son, and Andrew Mein, mason there, from action by said Isobel Mylne for ferme due to said Barbara Anderson; referred to his oath, who deponed negative.

*Eodem die* absolves James Eistone, portioner of Lessuden, from action by Walter Gibsone there, who has two ash trees growing within his yard dyke in Lessuden, one of which Easton has cut and intends to cut the other and take them away at his own hand, each worth 100 merks. Defender produced decret, 16 November 1661, narrating that four men were appointed to visit and report, who found the said trees to belong to Easton.

*Eodem die* decerns the following to pay to Mr. John Somervail, minister at St. Boswalls, what they owe, viz. Andrew Bryden in Lessuden, 10 l. 10 s. for 5 firlots of bear for stipend, crop 1661; Mark Kyll there, 10 l. 10 s. for a boll of bear; Thomas Gastoun there, 42 s. for a firLOT of bear; John Paton, elder, there, 5 l. 5 s. for a half boll bear; David Uns there, 10 l. 10 s. for a boll of bear; John Cochran there, 6 l. 6 s. for 3 firlots of bear; William Robsone

there, 5 l. 5 s. for half a boll bear ; John Uns, maltman there, 6 l. 6 s. for three firlots bear ; John Bryden there, 42 s. for a firlot bear ; and Janet Brotherstones, for the teind of ' twa pairts of ane halfeland ther ' 4 l. Scots ; as for their teind due to pursuer, crop 1661 ; defenders all absent, held as confessed ; expenses 2 s. in the pound.

[Melrose], 13 February 1663.

Which day, Margaret Elleis, vintner in Melrose, being apprehended by William Smith, messenger in Lawder, by letters of caption at instance of Mr. Harry Murray, dated 5 February 1663, ' for vynes vented, coped, and sold be her from the first day of August 1657 to the first day of August 1660, and that upon her oath that the samyne is just and trew, and for payment of foure pundis Scots for ilk tune of the saids wyne swa vented, coped, and sold be her dureing the said space,' compeared before Gideon Jackson, bailie depute, and deponed she had vented and sold only 5 gallons of French wine and 20 pints of ' seek ' during the said period, the impost whereof extends to 13 s. Scots, which she presently paid to Alexander Barbar, writer in Edinburgh, on behalf of the said Mr. Harry Muray and John Stratoun, and received his discharge therefor.

Melrose, 14 February 1663 ; Gideon Jackson.

Which day decerns George Hownhame, younger, in Darnick, to pay to William Fisher of M'Quhirrie 78 l. 17 s. as price of bear and oats bought from pursuer, growing on his lands of Darnick, crop 1662, half payable at Martinmas and half at Candlemas thereafter ; referred to defender, who confessed.

*Eodem die* decerns George Hownhame in Bridgend to pay to John Bell, weaver in Melrose, 3 l. Scots due by him to Janet Thomson in Darnick and assigned by her to pursuer ; defender confessed ; expenses 8 s.

*Eodem die* decerns James Pringle in Colmslie to accept



and receive from Andrew Fisher in Easter Housebyr 10 bolls of oats bought 'be the said defender from the said persewer' on 31 December last at agreed-on price of 6 l. 6 s. 8 d. the boll, promised to be paid in March when he received the oats; referred to defender's oath, who deferred to pursuer, who 'deponed positive conforme to the forsaid claime'; expenses 5 merks.

*Eodem die* decerns Margaret Elleis, widow in Melrose, to pay to John Leathheid, burgess of Selkirk, 7 l. Scots due by her to him as balance of price of mutton bought from him in November; defender absent; 14 s. expenses.

*Eodem die* decerns Jean Huntar, widow of Hew Bell of Eisterlonglie, to pay to Andrew Marr and Robert Frier, portioners of Galtonside, 7 l. Scots as her deceased husband's proportion of the outrigging of three soldiers in 1650; referred to defender's oath, who refused, and is held as confessed; expenses 14 s.

*Eodem die* decerns Janet Myles, widow in Galtonside, to pay to Janet Chisholme, widow there, 4 l. 10 s. Scots for rent of a house, 1661, belonging to pursuer; defender absent; 10 s. expenses.

*Eodem die* decerns Mungo Donaldsone, portioner of Melrose, to pay to Michael Gibsone there 10 l. 4 s. Scots as balance of price of three kine at 17 l. 12 s. the piece, bought by him on Martinmas day last for behoof of John Muray of Philiphauche, from whom he had received full payment; defender absent; 22 s. expenses.

*Eodem die* decerns Mark Blaikie in Melrose and Andrew Tunno, portioner there, to pay to Michael Gibsone there 20 l. Scots due to Tunno for crop 1662, payable (deducting cess) 10 l. at Candlemas and 10 l. at Pashe, and that arreisted in Blaikie's hands in satisfaction to pursuer of 4 l. 17 s. 4 d. of principal and 13 l. 6 s. 8 d. of penalty contained in decret against Andrew Tunno, 1 April last; Blaikie deponed he was owing as above.

*Eodem die* decerns George Blaikie in Melrose to pay to

James Burne, chamberlain to Andrew Tunno, portioner there, 4 l. Scots as maill and duty of the half of Tunno's yard set by Burne to Blaikie, crop 1662; referred to defender, who deferred to pursuer, who deponed positive; 9 s. expenses.

*Eodem die* decerns Andrew Penman, portioner of Melrose, to pay to Robert Broun in Hemphauche 14 l. Scots as price of a boll of bear bought by him from pursuer and delivered at his direction to Andrew Kennedie in Darnick in May last; pursuer proved same by depositions of Gavin Patersone in Kilknow and George Mairtine, tailor in Melrose.

Melrose, 28 February 1663.

Which day decerns Walter Carnecroce, eldest lawful son of William Carnecroce of Allanshaw, to pay to William Edgar, fiscal, 100 l. Scots for deforcing Andrew Kennedie, officer, on 23 February inst. when pointing his sword for payment to Ephraim Wilkiesone in the House of the Moor of 20 l. principal and 40 s. expenses in decret, 25 October last; referred to defender's oath, who deferred to Kennedy's oath, who deponed affirmative.

*Eodem die* decerns William Robsone in Lessudden to pay to Thomas Gaston there 10 l. Scots as price of a boll of bear bought by defender and 'lettin' by pursuer to defender at Michaelmas 1661, to be paid at Pashe thereafter; defender absent; 20 s. expenses.

*Eodem die* decerns John Scott, portioner of Galtonside, to pay to James Mein, smith in Newsteid, 10 l. Scots as balance of 30 l. for certain fruit bought from pursuer in July last; defender confessed; 20 s. expenses.

*Eodem die* decerns Patrick Riddell, portioner of Lessudden, to pay to Robert Riddell in Newsteid 10 merks as balance of 20 l. due to Alison Mylne in Newtoun, who assigned to pursuer; defender absent; 16 s. expenses.

*Eodem die* decerns George Turner in Overlongshaw and

James Turner in Netherlongshaw to pay to Mr. John Scot of Longshaw for rent and duty 1662 the sums of 63 l. 5 s. and 125 l. Scots respectively; defenders confessed; expenses 3 l. and 6 l. respectively.

*Eodem die* decerns George Alexander in Easter Longlie to pay to Mr. John Scot of Longshaw 36 l. Scots of annual-rent, 1662, 'conforme to his infeftment granted be William Fisher to him theranent to whom the said defender is tennent, and lykwayes the said defender was directed be the said William Fisher to pay the forsaid annualrent out of his mail'; defender confessed debt and direction, but denied liability till Whitsunday next; expenses 36 s.

Melrose, 14 March 1663.

Which day decerns James Wauche, wright in Melrose, to pay to Thomas Law, weaver, 28 s. 8 d. due to him and his wife for ale and drink furnished in *anno* —, and 30 s. which pursuer as cautioner for defender paid to Andrew Wallace for a pistol bought by defender from said Andrew; defender confessed; 8 s. expenses.

*Eodem die* decerns Andrew Penman, portioner of Melrose, to pay to Thomas Law, weaver there, 6 merks as price of three 'sowmes' grass 'pastured on Thomas Lawes accompt on Eildon hills *anno* 1662 and befor'; referred to defender's oath, who deferred to pursuer, and desired also his oath anent 6 s. for a horse hire to the Yair and 6 s. for another to Sunderhall, and 13 s. 4 d. for straw, for which for null defence and non compearance Penman obtained decret, 11 January last; pursuer deponed that defender was justly owing the grass, and that he (pursuer) had paid to Penman in Margaret Elleis' house the foresaid hires and straw.

*Eodem die* absolves John Leithheid, portioner of Melrose, from action by Margaret Elleis, widow there, from whom in 1650 he bought 4½ gallons of 'seck' at 16 l. the gallon, extending to 72 l., of which he paid all except 12 l., and as

Margaret bought from him flesh at several times extending to 5 l., he is still resting 7 l. Scots; referred to defender's oath, who deponed 'he knew it was payed long since.'

*Eodem die* decerns John Cochrane in Longshaw to pay to Adam Hyslop in Longshaw mylne 3 l. Scots for each of three ewes lost by him and 30 s. for each of two hogs lost by him in 1661, being 12 l. in all, also 3 l. for 6 sheep's grass pastured by pursuer for the defender that year; defender denied, but pursuer proved same by depositions of James and George Turner in Longshaw; 24 s. expenses.

Melrose, 28 March 1663; Gideon Jackson.

Which day, complaint by Janet Mein, widow in Melrose, tackswoman of the half of the lands of Pryorwood to John, Earl of Hadinton, and the broom whereof is also set to her for yearly payment of a considerable sum, against the inhabitants of Melrose, who daily molest her possession by 'holleing, cutteing, and intrometting with and away taking at ther owne hands without her licence ether sought or obtaned all and sundrie the broome pertening to her groweing upone the ground of the Pryorwood.' The bailie decerns that each person, young or old, found transgressing herein in future, or their parents and masters, shall pay 13 s. 4 d. and be put into and remain in the stocks during the bailie's pleasure; and ordains Andrew Phaupe and Andrew Kennedie, officers of regality, to poind for the same without any previous charge; and ordains these presents to be intimated at the market cross this day.

*Eodem die* decerns Nicol Cairnecroce in Longshaw to pay to George Turner there 15 l. Scots due for the rent and duty of a part of Longshaw set to and possessed by him from Whitsunday to Martinmas 1662; defender absent; 30 s. expenses.

*Eodem die* decerns James Edgar, son of William Edgar, portioner of Melrose, to pay to Michael Gibsone there 58 s.

entrusted by said Michael to him to pay to James Mein in Faldonside for the grass maill of a cow grazed by him for the said Michael at the agreed price of 3 l. ; referred to defender's oath, who deferred to pursuer, who deponed affirmative. Thereafter defender consigned 58 s. in hands of clerk of court till it was decided whether pursuer or James Mein had best right thereto.—26 May 1663, given up by bailie's order to the pursuer's wife.

*Eodem die* decerns Andrew Mercer 'Pooll' in Darnick to pay to James Claperton there 18 s. in full satisfaction of a decreet recovered by said James against him, dated Melrose, 15 March 1656, for 18 s. of principal and 18 s. 4 d. expenses ; defender confessed the 18 s. 'allanerlie.'

Melrose, 11 April 1663 ; Gideon Jackson.

Which day decerns Adam Darling in Westhouses to pay to Margaret Lythgow, wife of James Elleis of Huntliewood, 3 l. 4 s. due to her for necessities furnished to him preceding March last ; referred to defender's oath, absent ; 6 s. expenses.

*Eodem die* absolves William Cranston in the Roane from action by George Turner and Adam Hillope [*sic*], millers in Longshaw mill, claiming 10 pecks of multure at 6 s. the peck, being 6 l. Scots, for 10 bolls of oats abstracted from the said mill, crop 1662 ; referred to defender's oath, who deponed he had not abstracted any.

*Eodem die* decerns George Freir in Galtonside to pay to William Mercer, weaver in Newsteid, 5 l. Scots due to James Bowstoun and arreisted in his hands upon Mercer's decreet, 8 March 1662, against Bowstoun ; referred to Freir's oath, who deponed he was owing only the said 5 l.

*Eodem die* Walter Scot, portioner of Melrose, complains against William Wallace, merchant in Melrose, and John Leithheid, portioner there, narrating that his tenement and yard lies between their respective tenements, but Wallace has wrongfully built 'ane dike' on his ground,

and Leithheid has wrongfully cut and removed a tree from his yard, and they daily oppress him.

14 March last, the bailie ordained Adam Lythgow, Andrew Cook, Mungo Donaldsone, and Thomas Mar, portioners of Melrose, nominated by both parties, to pass and visit the ground and report next court day; and this day they reported that they visited the ground 'and finds the stonedyk upon the southe side of the said Walter Scot his yaird belongs to the said Walter Scot, it being buildd upon the old ground wall stones of the said dyke, also wee find som ashe and plume tries upon the northe side of the said Walter Scott his yaird belongs to the said Walter Scott as they are markit in ane hedge upon the southe side of the northe dyk of the said yaird,' and their report is written by Andrew Phaupe, officer, and dated at Melrose, 28 March 1663. The bailie decerns 'conforme to the forsaid report,' and interpones his authority.

*Eodem die* decerns Margaret Elleis, widow in Melrose, to pay to John Moss, younger, portioner of Darnick, 40 s. Scots paid out by him for her in May 1662, when a stirk of hers was pointed in Darnick; referred to defender, absent; 6 s. expenses.

*Eodem die* decerns George Elleis, wright in Darnick, to pay to Andrew Knox in Mellerstones 40 s. as price of a tree wrongfully taken by him out of Christian Darling's yard in Darnick, 'which was bought be the said Andro from her'; pursuer proved by depositions of Andrew Chisholme and Alexander Bowdoun; 4 s. expenses.

*Eodem die* decerns George Blaikie in Melrose to pay to Robert Pringle of Blindlie 10 l. Scots 'for ilk tyme he sall be fund to fishc in the Water of Tweid efter the dait heirof *toties quoties*.'

*Eodem die* decerns Andrew Fishare in Housebyre and George Allexander in Easter Longlie to pay to William Edgar, fiscal, 10 l. each 'for ther fighteing, wrastling and abuseing one another upon the — day of Marche last

bypast comeing from Philiphauche raice, and especiallie for the said Andro Fisher his bitteing of the said George Alexander his thombe, and the said George Alexander for his taking of the said Andro Fishar his sword from him and ryffeing of his hair ' ; referred to defender's oaths, and Fisher refusing was held as confessed, and George Alexander confessed ; and an assise of 15 (or 16), by the mouth of Michael Fishar in Darnick, their chancellor, found the same only a riot, no blood being proven or produced.

Melrose, 25 April 1663 ; Gideon Jackson.

Which day decerns the following to pay to Mr. John Scot of Longshaw, as follows : Thomas Caldcleughe in Blainslie, for his parsonage and vicarage teinds of 3 husband lands in Blainslie, crop 1662, 51 l. 13 s. 6 d. ; William Cranston in the Roan, 31 l. 7 s. 6 d. resting of his parsonage and vicarage teinds, said crop (having paid 20 l. before) ; John Wallace in Blainslie, 40 l. 5 s. for his parsonage and vicarage teinds of two husband lands and ' two pairt of halfe a land ' ; Edward Rolmanhous or [*sic*] Agnes Hardie, 8 l. 12 s. for parsonage and vicarage teinds of half a land, crop 1662 ; John Sownhous, 40 l. 11 s. ; and John Davidstone, 8 l. 12 s. Referred to defender's oaths, but all absenting held as confessed, except William Cranston who compeared and confessed the balance of 31 l. 7 s. 6 d. Modifics 5 l. expenses to be paid by Caldcleugh, 40 s. by Wallace. Same day compeared said Agnes Hardie and consigned 8 l. 12 s. in hands of Thomas Wilkiesone, clerk of court, to be given up to pursuer on his discharge.—Given up to Mr. John Scot upon his acquittance, 21 May 1663.

Melrose, 9 May 1663 ; Gideon Jackson.

Which day ordains William Wallace, weaver in Melrose, to pay to Michael Gibsone there 13 l. 6 s. for flesh bought from pursuer, and a cow ; referred to defender, who deferred to pursuer, who deponed affirmative ; expenses 26 s. 8 d.

Melrose, 16 May 1663 ; Gideon Jackson.

Which day absolves Andrew Marr, portioner of Galton-side, from action by John Scot, weaver there, and William Edgar, fiscal, narrating ‘ that quher the said Andro Mar [*sic*] that Robert Scot sone to the said John Scot had climbed ane pyet nest in his yaird and spoyled his trees and therby provoked the said John Scot to strik his said sone, for which his wife goeing to the said Andro Marr to ask him why he could blame her sone for spoyleing of his tries seing her sone was in his bed at that tyme when the tries ware climbed, quherupon without any mor or any provocatione given be her, called Helen Halywall, wife to the said John Scot, he stroak her and dang her bakward on the floar and brak her rock,<sup>1</sup> which is heir to be seine, so that shoe is not able to work since ’ ; referred to defender’s oath, who deferred to John Scot’s oath, who deponed ‘ he [*sic*] threw her downe to the ground but stroak her not.’

*Eodem die* decerns John Hardie in Craiksfoord to pay to William Bell in Faldonside 5 l. due by Hardie to deceased James Pringle and Bessie Bell his spouse, who at their death left their two children to the pursuer, their uncle, for maintenance, and left the said sum to maintain them ; and the pursuer having informed defender of this in Galashiels in March last, he gave him 6 s. in part payment and promised the rest shortly ; referred to defender’s oath, who deferred to pursuer, who deponed that the defender promised him 5 l. 6 s. and gave him the 6 s. ; expenses 6 s.

*Eodem die* decerns Barbara Andersone, widow of — Mein, portioner of Newsteid, now spouse to John Davidstone, portioner of Blainslie, and him for his interest, to pay to Isobel Andersone in Ridpeth, widow of John Mein, portioner of Newsteid, six bolls of good and sufficient bear ‘ of the mett and measure of Newsteid compting 5 furlots to the boll,’ wrongfully intromitted with by the defenders,

<sup>1</sup> Distaff : strangely Jamieson omits to give the word, though he indicates it *sub voce* ROCKING.



crop 1662, whereas the pursuer is provided thereto by her contract of marriage dated — ; referred to defenders, absent and held as confessed ; expenses 3 l.

*Eodem die* decerns George Tailyeor, portioner of Blainslie, to pay to George Moffet there 10 l. Scots and six quarters of 'gray' or 20 s. Scots, due of fee from Whitsunday 1659 to Martinmas 1662 ; referred to defender, who confessed ; 22 s. expenses. Absolves Taylor 'from hirling and smeareing of five scheip ilk sumer halfe yeir to the said George Moffett, because he might have smeared them quhen he smeared his masters, and his master knowes not whither he smeared them or not.'

*Eodem die* decerns William Fisher of M'Quhirrie to pay to Michael Gibsone in Melrose 12 l. 6 s. Scots as balance of price of two kine bought from pursuer in July last, to be paid by 25th of said month ; defender absent, held as confessed ; 24 s. expenses.

*Eodem die* decerns George Blaikie in Melrose to pay to John Mein, maltman in Newsteid, 13 l. 18 s. Scots resting unpaid of the price of meal and malt bought from pursuer in February last ; defender absent ; 2 merks expenses.

*Eodem die* decerns Thomas Caldcleughe in Blainslie to pay to John Stirling there 35 s. Scots disbursed by pursuer for him to James Ker, collector, for land excise on Martinmas day last ; defender absent, held as confessed.

*Eodem die* decerns Andrew Mercer, portioner of Darnick, 'called Baitsheall,' to pay to Andrew Mercer there 'called Pooll,' 48 l. Scots as two years' interest of 600 merks due by the defender's bond of Wadset to pursuer, 18 November 1652, being from Martinmas 1652 to Martinmas 1654, and which was promised to be paid at two terms yearly as the pursuer to be put in possession of 6 acres of land in Darnick until redeemed by the principal sum. Pursuer produced bond of wadset, and defender alleged he entered the pursuer to possession of the 6 acres at the granting of the bond, but sundry witnesses adduced by him failed to

prove this exception ; and the bailie *ex officio* took pursuer's oath ' whither or not ane band of 50 merks ' granted by defender to him since the date of the wadset was not in satisfaction of the said two years' annualrent, who deponed negative ; expenses 6 l.

Melrose, 23 May 1663 ; Gideon Jackson.

Which day decerns William Wallace, weaver, portioner of Melrose, to pay to William Edgar, portioner there, 5 l. 6 s. 8 d. resting unpaid of ' ane seck of malt ' bought from pursuer last October, to be paid within 20 days ; defender absent ; 10 s. expenses.

*Eodem die* decerns James Mein, smith in Newsteid, to pay to John Scot in Galtonside, 4 l. Scots as price ' of the fruite of one trie in Robert Meines yaird in Newsteid, anno 1662, efter the wholl fruit of which yaird being sold be the said defender to the said persuer in July last at the agried price of 30 lib. Scots ' ; referred to defender's oath, who craved a day to advise, and was allowed 15 days, but failed to compear, and pursuer deponed the tree's fruit was worth as above ; expenses 8 s.

*Eodem die* absolves John Leyes in Quhitlie from action by John Bowstoun in Pharniehirst against him for fees, having served the defender half a year for 30 s. and a pair of shoes at 16 s. ; referred to defender's oath, who deponed he promised him ' onlie sex quarters of gray ' and had already paid the same.

*Eodem die* decerns Thomas Uns, portioner of Lessuden, to pay to Mr. John Somervail, minister at St. Boswalls, 7 firlots of bear due for his stipend, crop 1661, or 18 l. 7 s. 6d. as the price thereof ; defender absent ; 36 s. expenses.

*Eodem die* <sup>1</sup> decerns William Wilsone, litster in Longhauche, to pay to George Bell, portioner of Ridpeth,

<sup>1</sup> In margin against this entry, ' 10 June.'

8 l. 10 s. due to pursuer by John Frater, elder, in Longhauche, and arreisted in defender's hand as debtor to Frater, referred to defender's oath, who deponed he owed nothing beyond that sum.

[Melrose], 17 June 1663.

Which day decerns Andrew Fisher in Housebyre to pay to William Edgar, fiscal, 100 l. 'for the blood and bloodwyte [*sic*] comitted be him upon Thomas Fleiming in Gladswood upon the 13 day of June instant, for his inhumane beateing and striking and woundeing of the said Thomas Fleiming with a pynt stop and his sword, and especiallie for his striking a whinger throw the arme of the said Thomas Fleiming the said day at Ridpeth to the great effusione of his blood and haizard of his life'; defender denied, but the fiscal proved charge by depositions of John Andersone, portioner of Ridpeth, and William Hunter there, and an assise of 15 found by their chancellor, Thomas Law, the defender guilty of the 'forsaid blood and bloodwyte.'

Melrose, 20 June 1663; Gideon Jackson.

Which day decerns Robert Freir in Galtonside to pay to John, Earl of Hadinton, 6 firlots of bear due by him to Robert Halywall there and arreisted by virtue of the Earl's decreet against Halywall; defender confessed the debt.

*Eodem die* decerns James Wauche in Melrose to pay to Margaret Irland, servitrix to David, Bishop of Lesmoir, 7 rex dollars, extending to 20 l. 6 s. Scots, borrowed from her in October last and to be repaid by Martinmas; referred to defender, absent; 40 s. expenses.

*Eodem die* decerns John Scot in Allanshaw to enter home to the service of Thomas Hardie in Colmesliehill till Whitsunday next conform to their agreement in April, or else pay 9 l. Scots; defender absent, held as confessed; 18 s. expenses.

*Eodem die* decerns Walter Scott, portioner of Melrose, to pay to James Elleis of Huntliewood 120 l. Scots due by him to James Elleis *alias* Litle in Melrose and arreisted in Scott's hands by virtue of precept upon James Elleis *alias* Litle's Bond to pursuer, 30 October 1643, registered 9 October 1662; defender absent, held as confessed.

*Eodem die* decerns William Bell, portioner of Galtonside, to pay to Agnes Mein, wife of James Mein, smith in Newsteid, 36 s. Scots for ale furnished to him; defender absent; 6 s. expenses.

*Eodem die* absolves John Hietone, portioner of Darnick, *alias* Lockins, from action by James Burne, weaver in Melrose, narrating that defender borrowed a sword from him in 1649, worth 7 l., which he was either to return or buy; referred to defender, who deponed negative.

*Eodem die* decerns Isobel and Margaret Barrie, portioners of Galtonside, to pay to Andrew Phaupe, officer, 50 merks and 58 merks [*sic*] respectively for their jailor fee from — January last to 3 May last, being 'fivescore sextein' days, at 6 s. 8 d. per day; defenders absent; 5 merks expenses to be paid by each.

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to John Moss, younger, portioner of Darnick, 10 l. 3 s Scots as balance of price of 5 'wather sheip' bought by him from pursuer in November last; defender absent; 20 s. expenses.

*Eodem die* petition given in by Robert Trotter, James Mercer, Andrew Mein, and William Fisher, portioners of Newsteid, narrating that William Edgar, James Wallace, Thomas Lukupe, and Andrew Phaupe in Melrose, 'for themselves and in name of the rest of the possessors of the Annay of Melros, daylie by themselves, ther servands, and uthers eats and destroyes the cornes and grasse in the Annay unpaired, albeit it was the custome of old that the samen grasse was parted betwixt Melros and Newsteid.' The bailie decerns every person pasturing any of their

goods hereafter upon the said grass or corn till it is parted, to pay one mark Scots for each contravention.

*Eodem die* decerns John Scot, weaver in Galtonsid, to pay to John Thomsone in Maxton 16 s. 8 d. as the balance of price of some wheat and pease bought from pursuer in June 1662, and 14 s. for some yarn ; referred to defender's oath, who deponed ' he was only resting the forsaid sextein s. 8 d. ; and the baillie decerned the forsaid 14 s. for the yearne and absolved the defender from the rest of the claime ' [*sic*].

Melrose, 4 July 1663 ; Gideon Jackson.

Which day decerns John Greife, portioner of Blainslie, to pay to James Donaldsone, portioner there, 4 l. Scots due of bygone annualrent ; defender absent ; 8 s. expenses.

*Eodem die* decerns Adam Knox, herd in Longshaw to pay to William Edgar, fiscal, 10 l. of fine for striking James Turner, servitor to Andrew Fisher in Housebyre, on — June last ; proved by depositions of George Turner and George Dagleishe.

*Eodem die* absolves Thomas Bowston, Towneheid, and Thomas Barton, weaver in Galtonside, from action by William Edgar, fiscal, against them for striking one another on 16 May last ; referred to their oaths, who deponed negative.

*Eodem die* decerns James Huntar, traveller, burgess of Jedburgh, to pay to Janet Young, as assignee to Barbara Ker, her aunt, 58 s. ' for to buy ane shearge waistcoat, conforme to his promise maid to the said Barbara Ker at the buyeing of her house ' ; defender absent ; expenses 6 s.

*Eodem die* decerns Grizel Patersone in Aplettrieleaves enter to enter home to the service of Eupham Fisher in Westerhousebyre till Martinmas next, or pay 6 l. Scots ; defender absent ; 12 s. expenses.

*Eodem die* decerns William Wallace, weaver in Melrose,

to pay to James Bunzie, weaver in Newsteid, 3 l. 16 s. 8 d. due as the agreed-on price of ‘ halfe ane kow ’ bought from the pursuer ; defender absent ; expenses 6 s. 8 d.

*Eodem die* absolves Thomas Marr in Melrose from action by John Greirsone in Clarelaw whom he hired in 1648 for a year’s service for 24 l. ; referred to defender, who deponed he had delivered to pursuer a boll of wheat at 20 l.

*Eodem die* decerns ‘ all and sundrie the tennents and possessors of Danzielton and fewars of the Wairds of Melros ’ that none of them ‘ keip any over sowmes, cast divots of ther owne ground, holl or cute broome or whynes (except upon on day in the weik agried upon be nightbours), nor tak fooll of any ground except ther owne,’ and ordains the following stent roll given up by the said persons to stand, viz. ‘ everie twa aiker in Danielton to pasture five sheip and ane nolt ’ ; and that none ‘ break any lie land except with consent of nychtbours, or corneland efter the break be laid lie, and that breaks be put in use yeirlie, and that non pastur ther goods in tripe hirsells but that all be put to the comon hird, ilkane under the paine of five merks *toties quoties* for ilkane of the forsaid failzies ’ ; all the said persons compearing and consenting to the premises.

Melrose, 11 July 1663 ; Gideon Jackson.

Which day decerns Janet Halywall, widow in Galtonside, to pay to Patrick Lukup ‘ Blind ’ in Melrose 6 l. due to him ; defender absent ; 12 s. expenses.

*Eodem die* decerns William Fisher, portioner of Newsteid, to pay to William Edgar, fiscal, 10 l. of fine for striking — Broun, servitor to Robert Mein, elder, mason there, ‘ and casting of him over a stair,’ on — July inst. ; defender confessed and came in the bailie’s will.

*Eodem die* decerns William Moffet, sometime herd in Lawder, now in Threipwood, to pay to John Wilsone in Lawder Woodheid 11 l. for oats bought in 1658 ; defender confessed ; 24 s. expenses.

*Eodem die* absolves James Rolmanhous, younger, in Blainslie from action by Thomas Wood in Ersilton against him for intromitting with and taking away some ash and elm trees which the pursuer had bought from John David-sone, portioner of Blainslie, for 28 l. Scots; defender produced decret obtained by him, 26 June 1662, against Davidson by virtue whereof the said trees were arreisted before they were sold to the pursuer, and thereafter lawfully poulded.

*Eodem die* decerns Andrew Drumond, weaver in Darnick, 'to enter home to ane dwelling hous and yaird ther perteaneing to George Mercer, merchand ther, and to remaine and dwell in it for the spaice of thrie yeares nixt ensheweing Witsonday last, and to pay therfor the sowme of sex punds Scots'; and decerns Mercer to repair the house and deliver the keys this night to Drummond, conform to their agreement in April last; both parties compearing and confessing the same.

*Eodem die* absolves William Hoy, maltman in Galton-side, from action by Andrew Phaue, officer, who having obtained decret against Isobel and Margaret Barrie there for debt, arreisted in defender's hands 3 ewes, 3 lambs, and a hog pertaining to the said Isobel and Margaret and in the defender's custody; defender deponed they were delivered to him by said Isobel and Margaret in part payment of 24 l. due by them to him.

*Eodem die* decerns John Frater, younger, in Longhauche, to pay to William Edgar, fiscal, 10 l. 'for his striking hurting and casting of Peter Darling, naturall sone to Philip Darling, littster in Gallasheells, and servitor to umquhile Margaret Darling, widow in Apletrieleaves, upon the — day of — 1662'; defender denied, but fiscal proved by depositions of Andrew Darling, James and William Wilsone, who all deponed they 'saw the defender stop the said Peter his sled and cast the corne out of it and cast others to the ground and that one of them cryed,' and an assise by Robert Mein, elder, mason, their chancellor,

found Frater guilty of a riot only, no blood being proved or produced.

*Eodem die* complaint by Robert Mein, chamberlain to the Earl of Roxburgh, against Andrew Mein '*alias* Best Laird,' who 'hes bigged ane house without his owne marches and therby hes diverted the course of the burne and sett the samyne upon the said Robert his tenement ther, which will undermyne his wall, and also hinders and impeids the said Robert and his tennents in turfing and theiking of his said tenement, to his great prejudice,' and also the said Andrew Mein 'by his trees groweing on his ground unsned does prejudice the said Robert.'—20 June last, defender submitted to any whom the bailie would nominate to visit the ground and report, who chose Robert Mein, elder, James Mercer, Robert Trotter, and Andrew Mein, mason, portioners there, 'to passe upon the ground and yaird' and report next court day; who met on the ground on 23 June last and reported they had 'thought upon the withinwritten busienes and ordaines Andro Mein to flag [?] the ground of the burne betwixt ther houses and to mak thrie holls for ane scaffold that Robert Mein or his tennents to [*sic*] turffe on, and to cut foure trees that lyes over his ground betwixt and Yule'; which report being this day intimated to both parties, the bailie interponed his authority.

Melrose, 25 July 1663; Gideon Jackson.

Which day absolves John Pringle in Threipwood from action by John Hall, portioner there, who in 1652 set to defender for 6 years a husband land for 100 merks yearly, and to report the superior's discharges yearly for feu duty and carriages; referred to defender, who deponed he promised only the tack duty and feu-duty but not the carriages.

*Eodem die* decerns John Rodger, portioner of Ridpeth, to pay to James Moss there 48 s. as balance of 4 l. 8 s., the agreed-on price of a firloft of meal bought by Thomas



Lyndsay in Ersilton from pursuer about 5 years ago, and defender became cautioner for payment ; defender absent ; 8 s. expenses.

*Eodem die*, complaint by John Bowston, cordiner in Darnick, against Thomas Bowie in Melrose, who has a wadset of a house and yard in Darnick pertaining to Alexander Hilton there, lying contiguous to pursuer's house and yard, and the trees growing in the said yard ' wranges and injures the said John Bowston his corne groweing at the bak of the said Thomas his yaird ' ; defender compeared ' and was content to sned the forsaid tries when the cornes sould be separat from the ground,' which the bailie ordainis him to do, under the penalty of 5 merks.

*Eodem die* decerns Janet Thomsone, widow in West-houses, to pay to George Elleis, weaver in Melrose, 7 l. due by her to deceased James Elleis his father, to which he is assigned by Margaret Blaikie his mother, as widow and executrix to the defunct ; defender absent ; 14 s. expenses.

*Eodem die* decerns James Donaldsone and Edward Darling, portioners of Blainslie, to pay to John Wilsone in Lauderwoodheid 12 l. borrowed by them from the pursuer in 1653 in name of the rest of the feuars of Blainslie, repayable in 10 days ; defenders confessed borrowing and promising repayment, but alleged they had paid him ' be the grasseing of lambes to him,' which he denied, and it was referred to their probation, who referred to his oath, who deponed they promised him ' thrie sheips grasse yeirlie quhill the repayment of the said sowme ' ; 24 s. expenses.

*Eodem die* ordains Andrew Phaupe, officer, to seek and apprehend Andrew Wilsone, calf-herd in Newsteid, and imprison him in the tolbooth of Melrose till he refund the damage committed by him on 19 July inst., being the Lord's day, ' by breaking of Robert Meane, elder, masone,

his fruit yaird in Newsteid, breaking the tries and branches and stealling of the fruit especiallie of ane young apletree by taking the green aples of it and breaking of the same tric,' and until he finds caution not to commit the like in time coming, under a penalty ; defender being absent and held as confessed.

*Eodem die* decerns William Wallace, merchant in Melrose, to pay to James Stoddert of Cameston the half of the sum of 19 l. 6 s. due and resting unpaid by him and Thomas Bichet in Boudon, and the said William as cautioner for the said Thomas to pay the other half, as balance of price of 27 bolls and a little firlof of oats, and 11 bolls and a little firlof of bear, at 9 l. 10 s. the boll with the fodder overhead, bought by them from pursuer in 1659 ; defenders confessed the balance due ; 18 s. expenses.

*Eodem die* decerns Helen Wilsone, widow of Thomas Wright in Blainslie, to pay to Robert Wilsone, weaver there, 28 l. 10 s. as balance of 31 l. 16 s. 8 d. borrowed by Wright from the pursuer at Martinmas 1659 ; proved by depositions of John Pringle, and William Hall, 'tutor' ; 50 s. expenses.

*Eodem die* decerns John Thin, John Pringle, and John Stirling, portioners of Blainslie, for themselves and in name of the rest of the feuars of Blainslie, to pay to James Donaldsone and Edward Darling, portioners there, 12 l. Scots borrowed by the pursuers in name of the defenders from John Wilsone in Lawderwoodheid, whereof the defenders promised to pay their respective proportions ; defenders confessed ; expenses 24 s.

*Eodem die* decerns Patrick Blaikie in Wooplaw to pay to William Edgar, fiscal, 25 l. as a fine for striking and hurting John Mein, son of James Mein in Wester Longlie, John Mercer and John Sklaiter his servitors, on 9 July last 'under night' ; defender denied, but proved by witnesses [not named], and an assise, by James Ker, elder, their chancellor, found Blaikie guilty of the said riots.

*Eodem die*, complaint by Thomas Marr, portioner of Melrose, against Andrew Penman there, who has most wrongfully taken away 'verie many stones out of the yaird dyk betwixt him and the persewer so that the samyn is become unfensseable,' to his great prejudice daily, and Penman 'dayly therthrow taks occasione to increache upon his heretage.' He craves that some be appointed to visit the ground.—11 April last, the bailie ordains Robert Mein, elder, mason, Adam Lythgow, Andrew Cook, and Mungo Donaldsone, to visit and report, who by their report, dated at Melrose, 24 July 1663, declare that 'after serious inquire wee find the number of threttein ashe tries all markit upon the eist side standing upon the dyk, which tries we find as they are marked to belong to Thomas Marr his yaird, and the rest upon both sides belonges to each yaird they are adjacent unto, lykeas we find some tries at the bak of the said Thomas Marres houses to be prejudiciall to the saids houses, and ordaines them to be removed ane foot from the bak of the saids houses, and for farder cleiring of the said threttein tries wee ordaine the said Thomas Marr to mak use as he thinks fitt of elleven of the saids tries and ordaines the nethermost two to be questionable and to be disposed upon as the baillie sall think fitt, and ordaines each pairtie to sned ther owne tries and keip ther graines from harming ther nightbours ground.' The bailie interpones his authority.

Melrose, 3 August 1663; Gideon Jackson.

Which day decerns George Wilsone in Clackmae to pay to William Edgar, fiscal, 10 l. of fine for striking Thomas Purves, James Cochrane, and — in Carrolside, on 1 August inst, 'and casting of them to the ground violentlie and pulling of ther hair'; referred to defender, who deponed 'when the said Thomas Purves had him by the hair he threw him to the ground,' but denied blood, from which accordingly he is absolved.

Melrose, 8 August 1663 ; Robert Mein, elder, bailie  
depute *pro tempore*.

Which day, decerns John Davidstone, portioner of  
Blainslie, to pay to James Davidstone there 10 merks as the  
price of trees bought in June 1661 ; defender absent, and  
pursuer deponeed the debt was owing ; 1 merk expenses.

Melrose, 15 August 1663 ; Gideon Jackson.

Which day, decerns Adam Darling in Westhouses to  
pay to James Rodger in Ridpeth 4 l. 12 s. Scots due by  
him ; defender absent ; expenses 8 s.

*Eodem die* decerns Walter Carnecroce, fiar of Allan-  
shawes, to pay to Charles Lauder, burgess of Lauder, 20 l.  
Scots, which the said Charles paid to the bailies of Lauder  
as cautioner for Carnecroce conform to an act dated at  
Lauder, 22 April last, under the town clerk's hand, and  
their discharge dated 13 August inst. ; defender absent ;  
40 s. expenses.

*Eodem die* decerns James Waugh, wright in Melrose, to  
pay to John Leitheid, burgess of Selkirk, 8 l. Scots or a  
boll of wheat, conform to his Ticket, 12 November 1662 ;  
ticket produced, defender absent ; 16 s. expenses.

*Eodem die* absolves James Mylne in Melrose from action  
by Margaret Paislaw in Ridpeth, narrating that last year  
the said James 'agried with her to keip and atend his  
mother night and day when shoe was seik, for which he  
promised her 4 s. for everie 24 houres,' and she attended  
11 days and nights, extending to 44 s., but he refuses to  
make payment ; referred to defender, who deferred to  
pursuer, who refused to depone.

*Eodem die* decerns William Carnecroce of Allanshaw  
and Walter Carnecroce his son to pay to 'the said' John  
Notman and Isobel Smith his spouse 11 l. 9 s. for meal  
and 'gray' bought from the pursuers in December last ;  
defenders absent ; 20 s. expenses.

Melrose, 22 August 1663 ; Gideon Jackson.

Which day decerns Michael Gibsone to pay to Isobel Lythgow in Sorolesfeild 18 l. 10 s. as the balance of price of some wedders bought from her in 1662 ; referred to defender's oath, who confessed there was 20 l. resting for the wedders, of which he gave 30 s. to the pursuer in earnest thereof, which he desired to be deducted, and deferred to pursuer's oath. Expenses, 36 s.

*Eodem die* decerns Robert Mein, elder, mason in Newsteid, Robert Trotter there, and Andrew Mein, mason there, and John Davidstone, portioner of Blainslie, and Barbara Andersone his spouse, for their interest, to make forthcoming to Isobel Andersone, widow of John Mein, portioner of Newsteid, the fermes due by them to said Barbara Andersone for her lands in Newsteid possessed by them, crop 1663, at least so much as will satisfy the said Isobel of the number of 6 bolls good and sufficient bear, met and measure of Newsteid (5 firlots to the boll), contained in decreet at Isobel's instance against said Barbara and her husband, 16 May 1663, and conform wherto the fermes were arreisted on 30 April 1663 by William Kirkwood, messenger, for the said victual and 3 l. of expenses ; Robert Mein confessed owing 6 firlots of bear ; rest of defenders absent, held as confessed ; superseding extracting of the decreet till Yule next.

*Eodem die* decerns Robert Trotter, portioner of Newsteid, Robert Mein, elder, and John Mein, his son, there, and Andrew Mein, mason there, to pay to Isobel Anderson, widow of John Mein in Coldenknowesbyres, 6 bolls of bear out of the readiest of the fermes of the lands of Newsteid, Coatland, and Anna of Melrose, pertaining to said deceased John Mein and possessed by them, and that at Yule next for crop 1663, and so forth yearly in terms of her contract of marriage, 12 May 1643, which she produced ; defenders absent, held as confessed.

*Eodem die* decerns Alexander Ridpeth, wright in Melrose, to pay to William Williamsone in Gallasheills

12 l. Scots as resting unpaid of the price of some timber bought from pursuer and his copartners out of the wood of Fairnielie, also 40 s. owing prior thereto; defender absent; expenses 30 s.—William Bell of Galtonside became cautioner for the pursuer to answer the defender as law will.

*Eodem die* decerns George Blaikie in Melrose to pay to William Bell, portioner of Galtonside, 16 merks, and 7 l. for a boll of bear, extending to 17 l. 13 s. 4 d., for maill and ferme of certain of Bell's lands in Melrose possessed by said George, crop 1662; also 16 merks and a boll of bear or the current value thereof, for crop 1663; defender confessed; expenses 30 s. for each year.

*Eodem die* decerns James Leitham in Galtonside to pay to John Scot there 4 l. for timber bought from the pursuer at Martinmas last; defender absent; 8 s. expenses.

*Eodem die* decerns William Wright, smith in Galtonside, to remain still in prison 'ay and quhill the marche stones that ware sett be the sworne men in Galtonside betwixt the yairds pertening to John Scot, Jonnet Halywall and Elspeth Trotter ther, and the crofts of land pertening to the said William Wright and James Mercer ther, and wilfullie and malliciouslie taken up be Issobell Bowston, spous to the said William Wright, without any ordor of law and justice, be sett againe in the plaice they ware, and ay and quhill he bring and present the said Issobell Bowston her persone in prisone and mak payment of the soume of ten pundis of fyne,' and find caution that he and his spouse shall at no future time interfere with these march stones save by order of law, under the penalty of 20 l. for each offence and imprisonment during the bailie's pleasure. Absolves James Mercer from the complaint, as he deponed negative, and denied giving counsel to Isobel Bowston to offend as above.

*Eodem die* decerns John Duncan, lapper in the Yle of Rae, to pay to Robert Pringle, servitor to Torsonce, 58 s. as balance of 19 l. 4 s. borrowed from pursuer at

Martinmas 1661 ; defender absent, pursuer deponed that the debt was resting ; 6 s. expenses.

*Eodem die* decerns George Blaikie in Melrose to pay to George Pringle there 15 l. with 16 s. as price of a pair of white hose, promised as fee to the pursuer from Whitsunday 1661 to Whitsunday 1662 ; also 24 s. owing by the defender to James Pringle, the pursuer's nephew, for keeping the defender's nolt in summer 1662 ; extending in all to 17 l Scots, and deducting the ' grasse mail ' of a quey 'grassed' by the defender to the pursuer this summer 1663 ; confessed ; 24 s. expenses.

'Harvest Vacance.'

Melrose, 17 October 1663 ; Gideon Jackson.

Which day decerns Andrew Riddell in Lessudden, Katherine Riddell his sister there, and William Maben there, tenants to Patrick Riddell, elder, portioner there, and the said Patrick for his interest, to pay to John, Earl of Hadinton, out of the readiest of the fermes and duties payable by them to said Patrick, crop 1663, 48 l. principal and 20 merks expenses due by Patrick Riddell's Bond to the Earl, 25 February 1663, and arreisted in their hand ; referred to defenders' oaths ; absent, held as confessed.

*Eodem die* decerns James Eillies, ' Litle,' in Melrose, to pay to John Mairton in Danzielton 13 l. 5 s. 10 d. still unpaid of the principal sum of 14 l. borrowed from pursuer in 1649, and annualrents ; also 10 s. for tailor work ; defender confessed.

*Eodem die* absolves John Mairton, tailor in Danzielton, from action by James Elleis, ' Litle,' in Melrose for 30 s. ' for ane sowmes grasse in the Harley burne ' set by James to John for 12 years past, extending to 18 l. Scots ; referred to defender, who deponed James Elleis gave him the grass yearly for the annualrent of 14 l. due to him and not in payment of the principal itself.

*Eodem die* decerns James Corsbie, herd in Galtonsid, to deliver to William Edgar, fiscal, and Margaret Lythgow, wife of James Elleis of Huntliewood, 10 sheep in his custody pertaining to Adam Darling in Westhouses and arreisted for 10 l. due to the fiscal and 3 l. 10 s. to Margaret Lythgow; defender confessed having the sheep. 'And therfor the said baillie absolved and absolves in maner forsaid' [*sic*].

Head court, Melrose, 24 October 1663; Gideon Jackson.

Which day decerns William Wilsone, weaver in Longhauche, to pay to George Bell, portioner of Ridpeth, 15 l. Scots due by him to John Frater, elder, in Longhauche, and arreisted in his hands by decret at Bell's instance against Frater, 4 March 1662; referred to defender's oath, who refused to depone, and held as confessed; 30 s. expenses.

*Eodem die* decerns Alexander Ridpeth, wright in Melrose, to pay to Adam Turnbull, mason in Newsteid, 4 l. Scots 'according to his promise about Lambes day last at the desire of William Vernit in Traquair'; defender confessed, and alleged the pursuer had no power to seek the same from Vernit, therefore the bailie decerned as above, superseding extract till either the pursuer find caution to warrant the defender at the hands of the said William Vernit or produce a precept from him; 8 s. expenses.

*Eodem die* decerns Andrew Riddell, portioner of Lesudden, tenant to Patrick Riddell his brother, to pay to Robert Riddell in Newsteid 7 l. 10 s. due by said Andrew to said Patrick and arreisted by the said Robert in terms of his decret, 28 February 1663 against said Patrick Riddell; referred to defender, absent, held as confessed.

*Eodem die* decerns James Elleis, portioner of Melrose, to exhibit to Thomas Wilkiesone, clerk, a Contract of Wadset, dated —, between deceased James Marr, portioner of Galtonside, and Andrew Mar, his son, on the one part, and



deceased William Wright, portioner of Galtonside, on the other part, whereby Wright, for a loan of 700 merks, wadset to James Mar in liferent and his son in fee 8 acres of land in Galtonside with onstead and yard ; also Instrument of Requisition thereupon, and a Tack of the said 8 acres by both parties to certain persons therein named ; all deposited with said James Elleis by consent of both parties, and yet in his keeping ; referred to defender, absent, held as confessed ; reserving to William Wright, son of said deceased William and Agnes Mein his mother, all their lawful defences against delivery of the writs to Andrew Marr.

Melrose, 31 October 1663 ; Gideon Jackson.

Which day decerns William Wallace, weaver in Melrose, and George Blaikie there to pay to William Maben in Galashiels each 5 l. 6 s. 8 d. for a stone of lint received by each of them from him at Martinmas 1662 ; defenders absent ; each to pay 10 s. expenses.

*Eodem die* decerns George Blaikie in Melrose to pay to James Usher in Newsteid 8 l. as balance of price of 2 bolls of malt bought from pursuer last Candlemas ; defender absent ; 16 s. expenses.

*Eodem die* decerns Andrew Wallace in Melrose, tenant to James Hunter, portioner there, indweller in Jedburgh, and said James for his interest, to pay to Helen Ker in Melrose and Janet Young her daughter 3 l. 4 s. 8 d. due to Hunter and arreisted in his hands by the pursuers for the like sum due by Hunter to them, conform to their decret, 4 July 1663 ; Wallace confessed owing more than the said sum, but was not obliged to pay till Whitsunday ; supersedes extracting till Whitsunday.

‘ The Court 7 November 1663 was forgot ; decret, Agnes Mein *contra* William Hoy, and decret, George Sandilands, miller, *contra* all and sundrie.’

Melrose, 14 November 1663 ; Gideon Jackson.

Retour [*in Latin*] of the general service of Andrew Bowstoun, weaver in Bridgend, to his deceased brother Robert Bowstoun, lawful son of deceased George Bowstoun weaver in Brigend; written by Thomas Wilkiesone, notary and clerk of regality, and dated at Melrose, 14 November 1663. Names of the assise, John Merser, portioner of Bridgend, James Mairton, John Hownam 'Wester,' and George Hownam, portioners there, Andrew Merser 'Pooll,' portioner of Darnick, John Moss, elder, John Moss, younger, Nicolas Merser, Walter Usher, William Spotswood, James Sympsone, Andrew Chisholme, John Fisher, and Robert Halywall, portioners of Darnick, and Andrew Hownam, portioner of Brigend.

*Eodem die* decerns Bessie Greirson, widow in Darnick, to pay to George Corsar there 5 l. Scots, and 14 s. for an ell of white, due of fee for his half year's service to her, Martinmas 1662 to Whitsunday 1663; defender confessed; expenses 13 s. 4 d.

*Eodem die* decerns John Hoy, merchant in Galtonside, to pay to Andrew Phaupe in Melrose 3 l. 2 s. due by him long ago to Isobel Barrie there as balance of house maill, and assigned by her to Phaupe, and which Hay promised to pay to him at St. Barnabies day last; defender absent; 6 s. 8 d. expenses.

Melrose, 21 November 1663 ; Gideon Jackson.

Which day absolves John Sownhous and John Stirling, portioners of Blainslie, for themselves and the rest of the feuars of Blainslie, from action by John Ker of Northpreistone narrating that in 1650 they and James Mein in Wester Longley were ordered to furnish a soldier to him, and as they assert that they paid their proportion of the said soldier's fee, which was 50 l. Scots, to the deceased Robert Ker of Lindean, the pursuer's father-in-law, they ought either to produce his discharge or repay

the sum; referred to oaths of said John Sownhous and John Stirling, who depone that the sum was paid to the pursuer, John Ker.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Alison Mylne in Newtoun 9 l. 6 s. Scots as the price of a cow bought from her in December last, of which payment was to be made in 14 days; defender absent; 16 s. expenses.

*Eodem die* action by William Edgar, fiscal, against James and Thomas Turner in Ridpeth, James and Robert Forsone in Newsteid, James Sympsone in Eildon, Andrew Kennedie in Darnick, Adam Darling in Westhouses, John Maben, Thomas Williamsone, Robert Martone, George Cowper, and John Leirmonth there, Robert Clark in Galtonside and Robert Ormeston there, 'for ther fisheing in forbidden tyme by net, wand, wastle, and coble in the river of Tweid contrair the acts of Parliament'; Robert Ormeston, George Cowper, and Thomas Williamsone depone negative, and were absolved; the rest confessed and submitted to the bailie's will, who fined each of them 10 l.

*Eodem die* decerns Andrew Pringle in Hagburne to pay to George Bell, portioner of Ridpeth, 5 l. 10 s. as the price of 12 threaves of oatstraw at 12 s. the threave and 2 threaves at 7 s. the threave, bought from pursuer in March last; defender absent; 10 s. expenses.

*Eodem die* complaint by Robert Bunzie, mason in Newsteid, against John Mein, maltman, narrating that in 1650 the pursuer acquired from John Bunzie his brother a wadset right of 2 acres of land of these 4 acres of land in Newsteid and pertinents thereof possessed by him, and the other two were wadset to Janet and Agnes Mein; 'and the said Robert Bunzie persewer being absent when the forsaid four aikers ware to be equallie divyded betwixt him and the said Jonnet and Agnes Meines, the said Johne Mein and Robert Mein his father and the said John Bunzie did divyde the saids four aikers betwixt

the said Robert Bunzie persewar and the saids Jonet and Agnus Meines, and the said John Mein defender did wreat up and mark quhatsumever riggs or buts fell to the said Robert Bunzie persewer for his two aikers, and the said John Bunzie did wreat up and mark the riggs and buts that fell to the saids Jonet and Agnes Meines; and the said John Mein defender haveing thereafter married the said Jonet Mein, does still reteane and keep up the forsaid wreat quherupon he marked the said persewers part, as also hes alwayes sensyne labured and possest ane bute called the Coatburne boat pertaining to the said persewer of the saids two aikers, notwithstanding that in August last Robert Mein, James Mercer, and Andro Sklaiter were ordained to pas upon the ground of the but and to try, visit, and report, who all declaired they knew nothing, but referred it to the said John Bunzie, who declared it belonged to the said persewer, quherupon the said persewer caused shear the said but, being wheat, and the said John Mein come at his owne hand and masterfullie took the samen away and will ounawayes redelyver the same or desist from the possessione of the said bute in tyme [coming].’ Being several days called, and pursuer referring to defender’s oath, he referred the same to the forsaid paper written by the said John Bunzie at the dividing of the said acres, who produced the same ‘beareing the said butt to perteane to the said persewer’; the bailie ordains John Mein, defender, to put the pursuer in present possession of the said butt and cease to molest him therein, and ordains both pursuer and defender to submit to Robert Mein, Robert Trotter and James Mercer ‘to determine what the said defender sall pay to the persewer for the yeares he hes possest the said but.’

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to James Milne there and Marion Shill his spouse 6 l. 3 s. as balance of price of malt bought from them last summer; defender confessed; expenses 12 s.

*Eodem die* decerns John Maxwell, portioner of Melrose, ‘to labure and manure still these thrie aikers of land in

Dainzieltone set to him be Alexander Ridpeth dureing the spaice of the tak betwixt them, reserveing actione to the said John to persew for what he has to lay to the persewers charge for any failyie conteaned in the tak as accords of the law'; their rights and reasons being considered by the bailie.

*Eodem die* decerns Andrew Thomsone in Apletrieleaves to pay to Alison Patersone, servitrix to William Pringle in Yair, 5 l. 16 s. due to her for a half year's service about 3 years ago; defender absent; 9 s. expenses.

Melrose, 28 November 1663; Gideon Jackson.

Which day decerns Robert Ormeston in Galtonside and Agnes Darling his spouse to pay to Thomas Bowston there 35 l 1 s. as balance of price of malt bought from him since Whitsunday 1662; defender [Ormeston] confessed; 5 l. expenses.

*Eodem die* absolves Andrew Mar, portioner of Galtonside, and Margaret Hendersone, his mother, from action by Agnes Mein, widow of William Wright, portioner there, against them, narrating that the defender and deceased James Mar his father got a tack of an acre of land 'and yaird, fruit and cropt' for 3 years from said William Wright, for 300 merks as balance of 700 merks due by him and contained in a wadset; and the defender and his father having possessed the same for 3 years are thereby paid of the said 300 merks, yet he will not restore the tack and contract of wadset; referred to defender's oaths, who denied having or fraudfully disposing of the said tack.

*Eodem die* decerns Robert Braidie in Eildon to pay to Margaret Leitham in Old Melrose 6 l. 7 s. to make up the sum of 10 l. in satisfaction of all she could claim from the defender through decease of Isobel Leitham her sister, his spouse, conform to the determination of Robert Mein, elder, and others to whom they submitted; pursuer

[sic] present could not deny and refused to depone ; 12 s. expenses.

*Eodem die* absolves Richard Lowrie, herd in Newtown, from action by William Mylne there, who in summer last delivered his goods to said Richard, being common herd of Newtowne, to herd, including a black branded cow, which cow the said Richard either maliciously or negligently 'did melt and brak her melt in two, quherof the said kow died,' so he ought to pay 26 l. Scots, the price he paid for the cow at Jedburgh ; referred to defender, who deponed negative.

*Eodem die* decerns Robert Riddell in Newsteid 'to tak the thrid pairt of that trie groweing on the dyk betwixt the yairds pertening to Barbara Andersone and him, and the two pairt therof to the aires of umquhile John Mein, spous to the said Barbara'; because the bailie having ordained Robert Trotter, Robert Mein, Andrew Mein, and James Mercer, to visit the ground, they reported as above, 'and had the life [? leaf] from Robert Riddells pairt' [sic]; precepts to be directed hereupon against John Mein, maltman, present possessor of Barbara Andersone's yard.

Melrose, 5 December 1663 ; Gideon Jackson.

Which day decerns Patrick Blaikie, sometime in Calfehill, now in Wooplaw, to pay to James Wallace, portioner of Melrose, 4 merks as the price of a ewe bought and paid for by the pursuer in May 1659, and 4 l. for the profit thereof ; defender absent ; expenses —.

*Eodem die* decerns Andrew Penman in Melrose to pay to Andrew Cuik there 6 l. 'for ane pairt of the Wairds set be the said persewer to the said defender and possess be him crompt 1663,' and 5 merks for certain 'divot eard' in Danzielton of the pursuer's cast and taken away by the defender ; defender absent ; expenses 18 s.

*Eodem die* absolves Thomas Law, weaver in Melrose, from action by James Wauche, wright there, narrating that Law is owing to Thomas Caldeleugh in Blainslie 16 l. as balance of price of 'ane stoned naig' bought from Caldeleugh 3 or 4 years ago, and that Caldeleugh assigned (at Melrose, 6 December 1662) to the pursuer the said debt; also the defender owes the pursuer himself 16 l. 13 s. 4 d. as the price of 'ane hackit kow' bought by him from the pursuer; referred (with Caldeleugh's consent) to defender's oath, who deponed that he was not owing to Wauch 'one turner' for the cow, and as to whatever he owed for the horse deponed the said Thomas Caldeleugh 'forgave him and said he sould never crave him, in respect of his service to him as procurator.'

Melrose, 12 December 1663; Gideon Jackson.

Which day decerns William Wallace, portioner of Melrose, to pay to Robert Mein, elder, portioner there, 3 l. as balance of price of malt bought from pursuer in September 1661; defender absent; 6 s. expenses.

*Eodem die* action by George Boe in Danzielton against James Elleis, portioner of Melrose, who on 22 March 1654 disposed to pursuer in liferent a rig of land in Danzielton on the east part thereof called the Quarrelhill, teind sheaves included, and obliged himself to cause till, harrow, and labour the said rig and lead the 'muck and fuill' thereto yearly, and cause till, harrow, and labour the said George's yard in Danzielton yearly upon his own charges, with power to the pursuer to pasture and graze upon Eildonhills 20 sheep, and to keep the said rig free of all master's duty and assessment; whereupon the pursuer obtained decret, 10 July 1660, against defender to fulfil these conditions and to uphold his houses in timber and stone work. Decreet and liferent right produced, and bailie repels defences because of pursuer's answers, and decerns the defender to fulfil all the conditions contained in the former decret ('except the muck and trees [*sic*]

lybellit ') under penalty of 40 merks besides performance ; and admits the muck and trees to pursuer's probation.

Melrose, 9 January 1664 ; Gideon Jackson.

Which day, decerns Robert Clark in Galtonside and Adam Darling in Westhouses to pay each 10 l. Scots to William Edgar, fiscal, for a riot committed by them in William Hoyer's house in Galtonside on 17 December last ; both confessed strokes but denied blood.

*Eodem die* complaint by Margaret Ker, Lady Coldenknowes, against George Bell and Andrew Carnecroce, portioners of Ridpeth, for themselves and in name of the rest of the feuars and inhabitants of Ridpeth, who daily molest and oppress her by cutting her wood, ' holling up ' and cutting her broom and whins, and eating her grass, without any licence ; and the bailie ordains them to desist and not to act thus hereafter, under penalty of 13 s. 4 d. for each offence.

*Eodem die* decerns John Leitham in Lessudden to pay to John Pursill there 4 l. 6 s. for his fee for serving Thomas Bichet in Bowdon in winter 1663, for payment whereof Leitham became cautioner ; referred to Bichet's oath, who deferred to pursuer, who deponed he served Bichet from 1 February to 11 June, ' conditionallie that if he sould stay untill Mertimes to have ten pundis and 2 pair of shoes of fie, quherof he got on pair only. Bailie decerned defender to pay the pursuer the proportional part of the foresaid sum of 10 l. according to the time the pursuer served, extending to 4 l. 6 s. ; expenses 6 s.

*Eodem die* absolves John Trotter of Easterhousebyre from action by William Edgar, fiscal, narrating that in December last George Pringle, fiar of Blindlie, and said John Trotter ' being drinking together within the house of Walter Vaitche in Galtonside and haveing drunken drunk and casten of all feare of God and reverence to man and all respect to our soverane Lord his auctoritie and lawes, did fall most inhumanlie on upon another and beat



and stroak one another to the effusione of the blood and in evill exanple of uthers to doe the lyk without they amerciat therfor'; defender denied, and pursuer adduced Walter Vaitch in Galtonside and Thomas Brotherston in Easterhousebyre as witnesses, who deponed that 'they griped uthers and George Pringle stroak at John Trotter and John Trotter shot him over by which he got blood'; referred to assise of 15, viz. John Bunzie, portioner of Newsteid, James Ker, elder, in Melrose, Adam Lythgow, weaver there, Andrew Marr, portioner of Galtonsid, John Halywall, elder, there, Robert Mein, younger, in Galtonside, Thomas Halyburton, smith there, Mark Blaikie in Melrose, James Riddell in Lilsie, portioner there, Thomas Law, weaver there, William Wallace, weaver in Melrose, Robert Bunzie, mason in Newsteid, Andrew Renneldsone in Darnick, John Bowstowne there, and John Bowar, Wester, in Eildoune, who all by the mouth of said James Ker, elder, their chancellor, cleansed John Trotter of the blood and also of any riot, in respect he offered to go away and what he did was in self-defence, 'and that it is not proven but by one witnes, and that the witnesses depones that Blyndlie stroak him but not that he stroak Blindlie;' so the bailie absolves him, and amerciats George Pringle in 10 l. for striking Trotter.

Melrose, 16 January 1664; Gideon Jackson.

Which day, decerns Thomas Uns, portioner of Lessuden, *alias* Laird, to pay to John Pursill there 16 l. borrowed from him 9 or 10 years ago; referred to defender, absent; 32 s. expenses.

Melrose, 23 January 1664; Gideon Jackson.

Which day decerns Margaret Eillies, widow in Melrose, to pay to William Bell, portioner of Galtonsid, 10 l. 2 s. for maill and duty of Looksmeidow pertaining to him and possessed by her, crop 1663; defender absent; 20 s. expenses.

*Eodem die* decerns William Bell, portioner of Galtonside, to pay to Margaret Lythgow, wife of James Elleis of Huntlywood, 5 l. 17 s. as the price of wine, ale, and other necessaries furnished to him before this date; defender confessed, and as to 3 l. 5 s. further claimed by her he refers to her oath [but there is no further indication]; 10 s. expenses.

*Eodem die* decerns William Fisher of M'Quhirie to pay to James Browne in Birkinseyde 6 l. Scots as agreed-on price of 3 stacks of peats bought from him in July last; defender absent; 6 s. expenses.

*Eodem die* decerns Barbara Andersone, wife of John Davidstone, portioner of Blainslie, to pay to Robert Mein, elder, mason, portioner of Newsteid, 4 l. 14 s. 4 d. as balance of price of a sack of malt bought in 1661, of which she promised payment in a month; defender absent; 8 s. expenses.

*Eodem die* decerns William Cranston, portioner of Blainslie, to pay to James Donaldstone there 7 l. Scots with 20 s. penalty and expenses contained in a Ticket, 7 July 1663, by Cranston to Helen Rolmanhous, wife of said James; ticket produced, defender absent.

Melrose, 30 January 1664; Gideon Jackson.

Which day absolves John Pursell in Lessudden from action by Thomas Bichet in Bowdon who feed Pursell at Candlemas 1663 to serve him till Martinmas for 10 l of fee, and 2 pairs of shoes at 30 s., but Pursell deserted at Whitsunday without just cause, and ought to pay 'swa meikle of the forsaid fie as might compence the tyme of his absence'; defender denied, and pursuer adduced David Pursell and Robert Cochrane in Lessuden, who deponed that the agreement between pursuer and defender was 'if they sould not please uthers at Witsunday then both to be frie thereafter.'

*Eodem die* decerns Mr. William Dowcat, portioner of

Aplettrieleaves, to pay to Eupham Fisher in Housebyre 6 l. of principal and 12 s. expenses due by him to Grizel Patersone, sometime his servitrix, and arreisted by Fisher in terms of decreet, 4 July last, obtained by her against Paterson ; defender [Dowcat] absent.

*Eodem die* absolves Michael Gibsone in Melrose from action by Thomas Law, weaver there, narrating that they bought 21 sheep between them from James Riddell in Lilsle since Martinmas last, but Gibson 'hes intro-metted with eleven pundis of the price of the said sheip and ther tallou and refuses to come to compt and reckning with the said Thomas perseware for the samyne ; more for two dayes stakeing and one dayes shearing in harvest last 25 s. Scots ; more the defender lost the persewer ane ox, price 18 s. ; more he promised him 12 s. to ryde to the shireffe of Cavers [*sic*] with him in harvest last.' Referred to defender, who produced a written account subscribed with his hand and deponed that it was the just and true account of both their intromissions with the sheep and their tallou, as follows :—' Compt betwixt Michaell Gibsone and Thomas Law ; lent to Thomas Law 2 lib. ; received be Thomas Law 21 skines, 15 lib. 12 s. ; William Wilsone, 5 sheip, 3 meites, 5 lib. ; Burges, 4 sheip, 3 lib. 4 s. ; James Darling, 1 sheip, 1 lib. ; Clapperton, 2 sheip, 1 lib. 8 s. ; Mr. David Fletcher, 1 sheip, 2 lib. ; Andro Phaupe, 2 sheip, 2 lib. 13 s. 4 d. ; Thomas Law sold a syde, 16 s., 4 meitts, 1 lib. 15 s. ; received eleven pund of tallou ; ane sheip and a halfe parted betwixt him and me ; received be Michaell Gibsone, James Mein, 2 lib. 14 s. ; Adam —, 2 sheip and a draucht, 1 lib., and eleven pund of tallou ; of this compt received be Thomas Law 33 lib. 8 s. 4 d. and eleven pund of tallou, 2 lib. of borrowed silver ; received be Michaell Gibsone 3 lib. 14 s. and eleven pund of tallou ; received be Michael Gibsone nyne sheip meitt to carie ther charges in ; these are the compt of the 21 sheip coft be Thomas Law from James Riddell in Lilsle, pryce therof 37 lib. *Sic subscribitur*, Michaell Gibsone ; and

consigned 34 s. Scots in the clerks hands and declaired that it wold satisfie Thomas Law and 1 s. furder.' Defender deferred rest of particulars to pursuer's oath, who refused to depone.

*Eodem die* decerns George Blaikie in Melrose to pay to James Bowar there 9 l. Scots as price of 6 firlots of oats bought from pursuer in March last payable at Yule; proved by depositions of James Wauche and George Pringle; expenses 18 s.

Melrose, 6 February 1664; Gidcon Jackson.

Which day, decerns John Bunzie, exciseman, to pay to James Burne in Melrose 7 l. 4 s. Scots for 12 days' wages 'to goe with him to Jedburgh and quarter upon the deficient's'; defender offered to prove that pursuer received payment from James Ker 'since the last signatour of proces, and took him be the hand never to craive him againe,' but succumbed; 12 s. expenses.

*Eodem die* absolves George Hownham in Bridgend from action by Robert Pringill of Blindlie and James Mairton, tailor in Bridgend, his tacksman of the fishing of Tweid, who had a set of the fishing from Blindlie for a certain duty for this year 1664, for coming on — January last and masterfully taking from Mairton his net and tearing the same, and having a net of his own to fish with without licence of either Blindlie or his tacksman; referred to defender, who depones negatively, and also denies he struck Mairton.

*Eodem die* decerns William Browne in Newsteid 'to fill up and mak the gutter betwixt him and James Mein ther but 2 foot and a halfe foot broad,' within 8 days, under pain of 10 l.; because James Merse and Robert Mein, elder, two of their arbiters, declared they agreed so.

*Eodem die* absolves Mungo Paton, portioner of Lessuden, David Uns, and James Archbald there, from action

by William Edgar, fiscal, against them that upon Hansell Monday last they drank to excess and 'stroak and beat on another about the want of a dollor to the effusione of ther blood and hurt of ther bodies'; referred to defenders' oaths, and David Uns and James Archibald deponed negatively.

*Eodem die* decerns Mungo Paton, portioner of Les-sudden, to pay to Mr. John Somervail, minister at St. Boswells, 4 l. 16 s. as John Erskine's proportion of the expenses bestowed upon the advocacy, feuars of Les-sudden *contra* Thomas Halyburton; defender absent; 9 s. expenses.

*Eodem die* decerns John Moss, younger, portioner of Darnick, to pay to Stephen Mairtin, tailor there, 48 s. Scots as the price of a sack taken away by George Merser his servant and made use of thereafter by the said John Moss; referred to defender, who deferred to pursuer, who deponed affirmative; 6 s. 8 d. expenses.

*Eodem die* decerns Mr. William Dowcat, portioner of Apletrieleaves, and David Thomsons in Longhauch, to pay to George Sandilands, miller at Longshaw mill, as follows:—Dowcat to pay 6 pecks of oats as the abstracted multure of 6 bolls of oats since Whitsunday last, at 10 s. the peck, *inde* 3 l. of principal, and 8 s. of expenses; and Thomson to pay 4 pecks <sup>1</sup> for 4 bolls of malt abstracted since Whitsunday last, at 10 s. the peck, *inde* 40 s. of principal, with 6 s. expenses; Dowcat, absent, held as confessed; Thomson, present, confessed 4 bolls malt.

*Eodem die* decerns James Wauche in Melrose to pay to Andrew Penman there 48 s. for 1000 divots led by him to the defender, and 40 s. for another thousand led at Whitsunday last, and 6 s. for a horse to Rutherford, and 6 s. 8 d. paid thrice at his direction for drink to him; extending in all to 5 l. 8 d. Scots; defender absent; 10 s. expenses.

<sup>1</sup> Of what, not stated.

Headcourt, Melrose, 20 February 1664 ; Gideon Jackson.

Which day decerns Thomas Law, weaver in Melrose, to pay to James Riddell in Lilslie 32 l. 16 s. Scots as balance of price of 32 sheep bought since last Martinmas, of which payment was promised in 8 days. Defender alleged he had partners in the bargain and could not be liable except for his own proportion ; repelled, reserving action to him against them for his relief ; 5 merks expenses.

*Eodem die* decerns James Stoddert of Cameston to pay to Thomas Bichet in Bowdon and William Wallace in Melrose 10 l. as price of 19 pecks of victual ' being lossed be the persewers of 38 bolls beir bought and received be them from the defender with the old measure, quhich should have bein delyvered with Paton or Craufurds measure, which is ane halfe peck everie boll mor nor the measur it was delivered with ' ; also 8 l. 19 s. for the loss and damage of 2 bolls and 9 little firlots of bear, sold by defender to them and not delivered ; proved by depositions of Mungo Donaldson and Andrew Look [? Cook], indwellers in Melrose ; 40 s. expenses.

*Eodem die* decerns John Maben in Westhouses to pay to John Young, portioner of Ersiltoun, 10 l. 6 s. as balance of price of some malt bought from pursuer about 2 years ago ; defender absent ; 21 s. expenses.

*Eodem die* absolves Andrew Marr, portioner of Galton-syde, from action by George Carnecroce there, whom the said Andrew feed to serve him from Whitsunday to Martinmas 1662 for 9 l. Scots, half a boll of bear at 3 l. 6 s. 8 d., an ell of white, 13 s. 4 d., and a pair of shoes 16 s., extending to 13 l. 16 s., and who entered to his service at Whitsunday and served him till 27 June thereafter, when the defender without any offence done by the pursuer to him put him away and would not allow him to do service to him thereafter, ' as is notourlie knownen ' ; referred to defender's oath, who deponed ' that the persewer quyt him and he him.'

Melrose, 12 March 1664; Gideon Jackson.

Which day, decerns Helen Gibson, wife of John Bowar Eister, in Eildon, to pay to Thomas Law, weaver in Melrose, 3 l. 3 s. 6 d. Scots due to him for certain work wrought by him to her last year, with a peck of bear at 8 s., which she promised to pay at Michaelmas last; referred to John Bowar's oath, who deferred to pursuer, who deponed affirmative; 6 s. 8 d. expenses.

*Eodem die* decerns David Uns, brother of Thomas Uns in Lessuden, to pay to William Kirkwood, messenger in Melrose, 3 l. 2 s. Scots due by the said David to the said William as the balance of 6 l. contained in a Ticket, dated at Melrose, 18 January last; ticket produced, and defender could not deny; 6 s. 8 d.

*Eodem die* decerns Andrew Penman, portioner of Melrose, to pay to James Wauch there 43 s. 2 d. 'as the superplus of ane coat or gowne apprised be the said Andro from the said James; and for the chimney braice and neidle lybellit the defender reproduced the samen in the tolbuith, and for the pleugh beam and pleugh head the defender denied he was dew any thing to the persewer for the samen, in regaird he gave him a horse grass therfor'; 3 s. 4 d. expenses; absolves from plough beam and plough head in respect of defender's oath.

*Eodem die* decerns Walter Vaitch in Darnick and John Halywell, elder, there, to pay to William Edgar, fiscal, 10 l. each for a riot on — September last; and decerns James Burne, weaver in Melrose, and James Gourlay, cordiner there, to pay to the fiscal 10 l. each for a riot on — February last; proven by witnesses [not named].

*Eodem die* decerns William Fisher in Darnick 'called Mikle Will' to pay to George Hownham there 16 l. due and resting for 4 bolls of malt at 9 l. the boll, payable last Michaelmas; and ordains the pursuer to accept of 'two queyes' bought by him from the defender at 20 l., 'the samyne being manteaned in fodder be the said William

Fisher untill flitting Fryday'; proved by depositions of Thomas Mar and John Fisher.

Melrose, 19 March 1664; Robert Mein, elder, mason,  
being bailie-depute.

Which day decerns Michael Gibsone in Melrose to pay to Andrew Mar, portioner of Galtonsid, 4 l. 4 s. for a bull stot bought from pursuer at Martinmas last; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 9 s. expenses.

*Eodem die* decerns Mungo Donaldsone, portioner of Melrose, to pay to James Mylne there 9 l. Scots as price of a boll of bear bought by George Blaikie in Melrose from the pursuer in April last for which Donaldson was cautioner; defender confessed; 18 s. expenses.

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to James Lamb in Eilliston 15 l. as price of 10 sheep bought before Yule last, to be paid at Candlemas; defender absent; 30 s. expenses.

*Eodem die* decerns John Frater, younger, in Longhauch, Marion Smith and George Bowston there, to pay as follows to Mr. John Scot of Longshaw, for abstracting corn from the mill of Longshaw since Whitsunday last, viz. Frater, 6 bolls oats, multure being 6 pecks at 10 s. the peck, *inde* 3 l., and 2 bolls 'umble corne,' multure being 2 pecks at 10 s., *inde* 20 s., in all 4 l. of principal, and 8 s. expenses; Bowston, 9 bolls oats, multure being 9 pecks at 10 s., *inde* 4 l. 10 s. of principal, 9 s. expenses; Smith, 7 bolls oats, multure being 7 pecks at 10 s., *inde* 3 l. 10 s., with 7 s. expenses; Frater and Bowston having confessed, and Smith absent, held as confessed.

Melrose, 2 April 1664; Robert Mein.

Which day decerns John Uns, wright in Lessudden, and William Robiesone there, to pay to John Erskine,



portioner of Lessudden, 4 l. 10 s. and 9 l. respectively for bear bought from him in 1663; defenders absent; 2 marks expenses, to be divided between them according to proportion of debt.

*Eodem die* decerns John Lidderdaine in Kaidslie to pay to James Turner in Ridpeth 5 l. 16 s. for meal bought in May 1663, which he promised to pay before 9 October thereafter 'being Ersilton faire'; defender absent, pursuer deponed affirmative; 12 s. expenses.

*Eodem die* decerns William Cranston in the Roan of Blainslie to pay to Mr. John Scot of Longshaw 51 l. 7 s. 6 d. for his parsonage and vicarage teinds of the Roan, crop 1663; defender absent; 5 l. 2 s. expenses.

Melrose, 16 April 1664; Gideon Jackson.

Which day decerns Jean Bell in Longhauche to pay to Mr. John Scot of Longshaw 4 pecks of multure for 4 bolls of oats abstracted from the mill of Longshaw since Whitsunday last, at 10 s. the peck, *inde* 2 l., and 2 pecks for 2 bolls of humble corn, *inde* 1 l.; referred to her oath, who refused to depone; 6 s. expenses.

*Eodem die* decerns Janet Stevinsone in Craiksfoord to pay to Adam Hyslop in Colmeslie 30 s. Scots 'for grasseing of ane quey to her in *anno* 1662'; defender absent; 6 s. expenses.

*Eodem die* absolves Michael Gibsone in Melrose from action by Thomas Law, weaver in Melrose, narrating that Law had pursued Gibson before this court for 11 l. Scots intromitted with of the flesh and tallow of 21 sheep bought by them jointly from James Riddell in Lilsie since last Martinmas, and Gibson had produced what he declared was a just account, and consigned 34 s. in the clerk's hands, declaring 33 s. would satisfy and clear their account, and judicially promised that if Law 'could quarrell the forsaid accompt produced be him as said is to be wrong in the worthe and valew of 2 s. Scots and

prove the samyne, that he should pay the wholl bargain of the forsaid sheip ' ; and although the account is wrong, as Law offers to prove, yet Gibson refuses to pay. Pursuer adduced James Eillies ' Litle,' George Sheill and Mark Blaikie, indwellers in Melrose, who all deponed they knew nothing of the said matter, and Law failed in other two terms assigned him to produce further evidence.

*Eodem die* decerns Robert Pringle of Blindlie to pay to William Cranston, portioner of Huntlywood, 18 l. 13 s. of bygone burdens, impositions and cess paid out by the said William and his tenants for the Roan in Blainslie for years preceding 1659, at which time the said Robert sold the lands of Roan to the said William, and obliged himself to warrant them free of all burdens prior to Whitsunday 1659, conform to his Disposition, 4 and 5 July 1659; disposition produced, also three discharges from James Don and Walter M'Dougall, collectors, to the said William for his part and proportion as above of the burdens due by the towns of Blainslie prior to 1659; expenses 38 s.

*Eodem die* absolves Alison Bowston, wife of John Hallywall, weaver in Galtonside, from action against them by William Edgar, fiscal, narrating that in harvest 4 or 5 years ago she stole corn off the land in Galtonside pertaining to Isobel and Margaret Barrie, and Isobel Bowston, mother of William Marton, tailor there, reset them; referred to oaths of Alison and Isabel Bouston, and Isobel confessed resetting two sheaves of corn, but Alison deponed negative and denied both theft and reset.

*Eodem die* decerns James Archbald in Lessudden and Janet Brotherstones his wife to pay to William Thorebrand in Greenheid 5 l. Scots resting unpaid by them to him of the price of 13 half fulls of malt and a wedder bought from him in 1661; both parties (pursuer and defenders) referred to James Gaston as to quantity and price, who deponed he sold the malt to the pursuer and it was delivered to the defenders, but knew not the price or what was resting; 10 s. expenses.

Melrose, 30 April 1664; Gideon Jackson.

Which day complaint by Mark Blaikie, James Eillies 'Walkerraw,' James Patersone, John Merton, Andrew Lukupe, Thomas Drumond, Robert Maben, Thomas Eillies, and James Merton, tailor, tacksmen of the east side of the acres of Danzielton, against Andrew Penman, George Eillies, James Wallace, Thomas Lukup, Andrew Phaupe, Adam Lythgow, William Wallace, John Bowar, and John Penman, tacksmen of the west side of the acres of Danzielton, for having 'at ther owne hands pairted, teilled, labured, and manured two dails of land lying in that pairt called Lorimers croft, and also ane rig of land ther whiche per-teanes to the eist side and consequentlie to the persewers,' and they refuse to grant or permit the pursuers to possess and labour the same. Both parties compearing, the defenders judicially offered 'to exchange and excambe with the persewers and to give the west side as the samyne is now possest be thame to the persewers for the eist syde as the samyne is now possest be thame, at Michaelmes nixt,' whereupon James Merton, pursuer, for himself and the rest asked instruments and was content to give the defenders the east side at Michaelmas; and the bailie interpones his authority to the said offer and acceptance thereof, and ordains accordingly.

*Eodem die* decerns James Eillies 'Litle' in Melrose to pay to John Penman there, heritable proprietor, 8 l. 19 s. 2 d. as a year's rent of a house and yard in Melrose set by him to the defender from Whitsunday 1663 to Whitsunday 1664; pursuer produced his sasine and confirmation; and action is reserved to defender against Walter Scott, cedent to the pursuer; 17 s. expenses.

*Eodem die* decerns Alexander Ridpeth in Melrose to pay to George Blaikie there 48 s. Scots as the price of 'ane two-horse trie with 3 yrone slings and ane swingl-trie' wrongfully taken by him from the pursuer's plough in Danzielton, in March last; defender absent; 6 s. expenses.

*Eodem die* absolves Marion Law, daughter of Thomas Law, weaver in Melrose, Margaret Bowston his wife, and said Thomas for his interest, from action by William Edgar, fiscal, Andrew Phaupe, officer in Melrose, and James Riddell in Lilsle, narrating that on 21 March last the said Andrew Phaupe, by virtue of precept of poinding at instance of said James Riddell against said Thomas Law for 32 l. 16 s. Scots of principal and 5 merks of expenses contained in his decret, 20 February last, apprehended a black cow, a black quey, with a stirk, pertaining to Law, meaning to bring the same to Melrose cross to poind, but the said Marion Law and her mother maliciously came 'and bereaved the said officer of the saids goods,' and ought to be punished for this deforcement. Defenders denied, and pursuers adduced witnesses [not named], whose depositions being considered by an assise of 15 persons they by the mouth of Adam Lythgow their spokesman cleanse the defenders of the deforcement and that in regard the goods were poinded and taken away at that same time for the said debt.

*Eodem die* action by Thomas Moffet, lawful son procreated between deceased John Moffet, portioner of Threipwood, and deceased Isobel Lyell his wife, sister of deceased Thomas Lyell, portioner of Blainslie, as apparent heir to his said uncle, against George and John Sheill, indwellers in Blainslie, narrating contract of wadset dated at Blainslie and Lauder, 13 and 14 August 1653, whereby William Stirling, portioner of Blainslie, and John Stirling his eldest son wadset to said deceased Thomas Lyell, and deceased Agnes Rolmanhous his spouse for 600 merks that half husband land in Blainslie lying in the Nethertoun thereof, with moss, moor, meadow, and pertinents, and the half of the 'wholl heid rowme and yairds which perteaned to twa husband lands' lying in the said Nethertoun; which contract by decease of Thomas before the said Agnes his wife came into her hands for her liferent security, and she having died on 27 April inst. it comes into the custody of said George and John Sheill. who will not produce the same

for delivery to the pursuer. Absolves the defenders, as they produce and consign the contract in the clerk's hands, and the bailie ordains the same to be delivered to the pursuer upon his acquittance; which discharge is recorded in the minute book, 14 May 1664.

Melrose, 14 May 1664; Gideon Jackson.

Which day absolves James Merton, tailor in West-houses, from action by William Mairton in Galtonside, narrating that the said William being addebted to James in 7 or 8 l. Scots they agreed together at Martinmas last that the said James should labour and possess half an acre of land pertaining to the said William, and pay the master's duty therefor, until he was satisfied of the debt; but now he refuses to take and labour the land and has cast the same back on William's hands so that it is now lying lee. Referred to defender's oath, who deponed that the said bargain 'was not fullie agried anent the price of ane halfe full of beare.'

Head Court, Melrose, 4 June 1664; Gideon Jackson.

Which day decerns Alexander Ridpeth in Melrose to pay to John Mein, maltman in Newsteid, 6 l. 12 s. Scots due for meal bought last winter; defender absent; 12 s. expenses.

*Eodem die* decerns James Smyth in Mosehouses to pay to James Corsar in Colmesliehill 3 l. 'for the price of yeild ew lost be the defender to the persewer in *anno* 1662'; defender denied, and referred to his oath, who refused to depone.

*Eodem die* decerns Janet Brotherstones, widow of John Kyll, portioner of Lessudden, now spouse to James Archbald there, and said James for his interest, Mungo Paton, portioner there, Robert Cochrane, portioner there, John Bryden, portioner there, Walter Paton there, James Purves there, John Kyll there, Alison Haistie there,

Margaret Haistie, and John Kyll her son, pretended tenants, possessors and occupiers of half a husband land in Lessudden, with tenements, houses, yards, crofts, and pertinents, sometime belonging to said deceased John Kyll portioner there, now to George Bulman, heritable proprietor thereof, to flit and remove therefrom, so that George Bulman may enter to possession. William Kirkwood, messenger, the pursuer's procurator, produced the pursuer's sasine and the precept of warning and executions thereof, and defenders were absent.

*Eodem die* decerns John Mein, smith in Reidpeth, to pay to Isobel Scot, widow of Patrick Duncan, 'coper,' 3 l. borrowed from said Patrick; defender confessed this, but denied other particulars libelled; <sup>1</sup> 6 s. expenses.

*Eodem die* decerns Mungo Paton, portioner of Lessudden, and Thomas Huntar, elder, portioner there, to pay to Mungo Purves, younger, portioner there, 38 l. 2 s. of principal and 46 s. 8 d. expenses contained in Decreet, 25 January 1653 by the sheriff of Roxburgh against the defenders and other persons; bailie repels defences, and decerns, reserving action to the defenders to pursue the rest of the feuars of Lessudden for their relief of their respective proportions.

*Eodem die* decerns George Alexander in Easter Longlie to pay to William Fisher, portioner of Newsteid, 18 l. 11 s. 4 d. as balance of a greater sum owing by him; defender absent; expenses 36 s.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to Michael Gibsone there 36 s. as balance of price of mutton and 'meats' bought by defender from him; also 15 l. 16 s. borrowed by defender from John Bowar 'Eister' in Eildoun, who assigned the debt to pursuer, 5 February last. Referred to defender's oath as to mutton, etc., who deponed he owed nothing beyond the 36 s. and Bowar's debt; and this debt was also proven by deposi-

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<sup>1</sup> Not enumerated.

tions of Bartie Mean and John Quarrie, indwellers in Eildone ; 30 s. expenses.

Melrose, 15 June 1664 ; Gideon Jackson.

*Eodem die* decerns Thomas Lythgow, portioner of Reidpeth, to pay to Sara Tod, widow of George Campbell in Edinburgh, and executrix to him, 20 l. contained in a Ticket by defender to Campbell, 13 December 1662 ; ticket produced, defender absent ; 40 s. expenses.

*Eodem die* decerns Nicol Cochrane, portioner of Newtoun, to pay to George Sheill 3 l. 6 s. resting of his harvest fee, 1658 ; referred to defender, who deferred to pursuer, who deponed affirmative ; 6 s. 8 d. expenses.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Mr. John Scot of Longshaw 6 l. as balance of price of 4 wedders and a 'dummond' of the pursuer's and a wedder of Patrick Muray's ; defender absent ; 12 s. expenses.

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to Margaret Lythgow, wife of James Eillies, portioner there, 25 l. for bear, meal, and malt bought from her ; defender denied, but pursuer proved by depositions of Andrew Phaupe and Thomas Bowie ; 50 s. expenses.

Melrose, 25 June 1664 ; Gideon Jackson.

Which day decerns Bessie Haistie, wife of Robert Mairton in Galtonside, and Robert Mairton, younger, their son, to pay to Robert Pringle of Blindlie 9 l. 14 s. Scots for a year's fee from Whitsunday 1664 to Whitsunday 1665, or Robert Mairton, younger, to enter home to his service conform to agreement ; Bessie Hastie, present, could not deny the same.

*Eodem die* decerns Jean Edgar, widow of Michael Fishare in Darnick, to pay to John Mein, maltman in

Newsteid, 40 s. for a firlof of meal bought by Fisher from Mein in December last ; defender absent ; expenses 4 s.

*Eodem die* decerns William Mairton in Westhouses to pay to James Mairton, tailor there, 8 l. 6 s. 8 d. for corn bought from pursuer in March 1663, and a mark of borrowed money ; defender confessed.

*Eodem die* decerns John Hardie, son of John Hardie in Craiksfoord, to enter home to the service of George Wilsone in Clackmae instantly conform to agreement, or else pay 17 l. 10 s. promised for a year's fee to him by the said George ; defender absent.

*Eodem die* decerns Andrew Penman, portioner of Melrose, to pay to James Wallace, portioner there, 4 l. 6 s. 8 d. 'payd out be the said James for ane cavill in the Wairds pertening to Andro Cook and possesst be the said Andro Penman, cropts 1661 and 1662, maill and teind' ; defender denied, and Andrew Cook referred to his oath, who deferred to Cook, who deponed 'he set the forsaid cavell the forsaid cropts to Andro Penman for sex pundis yearlie and to pay my Lords dewtie and teynd beside' ; 8 s. expenses.

*Eodem die* absolves Michael Gibsone in Melrose from action by Thomas Law, weaver there, who took the small customs of Melrose from James Tuilzie in Ersilton and Robert Freir in Galashiels, for 1659 and 1660, by virtue whereof the defender is owing him for his small customs for the said two years 4 l. yearly, *inde* 8 l. ; referred to defender's oath, who deponed negative 'and that he had given him up 2 weathers for the samen which he never put in any uther compt.'

Melrose, 2 July 1664 ; Gideon Jackson.

Which day decerns Thomas Barrie, sometime in Blindlie, now in Williamlaw, to pay to John, Earl of Hadinton, 50 merks due by him to Robert Pringle of





Blindlie for his maill, Whitsunday 1664, and assigned by Blindlie to the Earl; defender absent; 3 l. expenses.

*Eodem die* decerns Edward Darling, elder, portioner of Blainslie, to pay to Thomas Darling, wright there, 16 s. for 'a pair of muck creells,' and for a 'pleugheid sheth and harow taynes,' 15 s., and 5 l. 8 s. for bygone annual-rent of 100 merks due by him to pursuer, and 4 l. for timber bought from pursuer, extending in all to 10 l. 19 s.; referred to defender, who deferred to pursuer, who deponed affirmative, and the said Edward consigned the amount in the Clerk's hands.

*Eodem die* decerns 'all and sundrie the cottars and inhabitants of Blainslie' to pay to Mr. John Scott of Longshaw their abstracted multures 'conforme to the double of the decret with this dayes proces.'

Melrose, 9 July 1664; Robert Mein, depute *pro tempore*.

Which day decerns the following to pay to James Stoddert of Camestoun for the crop 1662 of their lands in Lessudden, viz. John Robiesone in Lessudden 32 l. 10 s.; John Fairbarne for same 15 l. 18 s.; Janet Coitt, 15 l. 6 s.; John Cochrane, 78 l. 14 s.; Nicol Bennet, 52 l. 2 s.; defenders absent, held as confessed. Pursuer ordained to deduct the defender's cess, excise and burdens, which was done before John Coitt and John Maben in Maxton; and Maben declared that the pursuer promised a consideration to Nicol Bennet, when he pays, 'quhilk consideratione is in the persewers optione.'

*Eodem die* decerns John Bowar, Eister, in Eildon, and Helen Gibsone his spouse to pay to Thomas Law, weaver in Melrose, 7 l. 12 s. 6 d. Scots 'for working of ther webs linnen and wolne for the spaice of 3 yeares preceding mertimes last'; Helen judicially confessed, deducing 3 l. 11 s. 6 d. of the fore-end thereof contained in a former decret; absolves John Bowar from 8 l. for corn and straw alleged furnished for him by Thomas Law to the

English, and 7 l. for a boll of bear alleged due to Law, who referred these to his oath, who deponed negative.

*Eodem die* decerns John Lyes, servitor to Andrew Darling, portioner of Apletrieleaves, either to enter home to the service of Helen Claperton in Netherbarnes and James Williamson, her son, within 24 hours, and that for a year following, or else to pay 11 l. of fee; 'because the said Andro Darling compeired and allegit he went downe to Gallasheills with the said John 40 dayes befor Witsonday last and gave over the said Helen, which being admitted to his probatione was not fund proven.'

Melrose, 30 July 1664; Robert Mein, bailie-depute *pro tem.*

Retour [*in Latin*] of the service of Thomas Haistie, portioner of Maxpople, to his great grandfather George Haistie, dated 30 July 1664, in presence of Robert Mein, elder, portioner of Newsteid, bailie-depute; names of assise, George Haistie in Maxpople, Patrick Bulman there, William Sweit in Cameston, William Ker, portioner of Newtown, Thomas Milne, portioner of the same, Richard Sklaiter in Eildon, John Bowar 'Eister' there, James Mercer, portioner of Newsteid, John Bunzie, portioner there, Adam Lythgow, portioner of Melrose, Thomas Law, portioner there, Michael Gibsone there, Thomas Mar there, James Ker, elder, there, and Thomas Gill in Newtoun milne.

*Eodem die* Edict of Curatory at instance of George Blaikie, eldest lawful son of deceased George Blaikie, portioner of Melrose, procreated between him and deceased Margaret Lythgow his spouse, being now past 14 years of age, charging James Eillies, 'Walkeraw,' in Danieltoun, nearest of kin on the father's side, and Adam Lythgow and William Wallace, weavers, portioners of Melrose, nearest of kin on mother's side, to compear and take the office upon them. The said George Blaikie and the said relatives compearing, the bailie [*sic*] after considering reasons and arguments elected and chose [*sic*] Thomas

Mar and Thomas Law, portioners of Melrose, as curators to said George Blaikie, who accepted the office and gave oath *de fidei*; because the foresaid James Eillies, Adam Lythgow, and William Wallace refused the same.

*Eodem die* decerns Mr. William Duiguid, portioner of Apletrieleaves, to pay to Andrew Phaupe in Melrose 3 l. due by Ticket, 11 May 1664; and 8 l. 10 s. due by him to William Kirkwood, messenger in Melrose, by Ticket 18 May 1664, payable on 1 June, who assigned, 29 July 1664 to the pursuer; defender absent; 22 s. expenses.

Melrose, 6 August 1664; Gideon Jackson.

Which day decerns Robert Clark, merchant in Galtonsid, and George Blaikie in Melrose, to pay to John, Earl of Hadinton, 13 l. 13 s. 4 d. 'for the maill of the Pryor wood' for Martinmas 1663, and 6 l. 3 s. 4 d. for the maill of 2 acres of land in Danielton for Whitsunday last and Martinmas next, due by said George Blaikie to the Earl, extending to 19 l. 16 s. 4 d. [*sic*], and arreisted in Clerk's hands as debtor to Blaikie, in terms of Earl's decret 15 June last against Blaikie; defenders absent.

*Eodem die* the same to pay to James Milne in Melrose and Marion Sheill his spouse 52 l. owing by him [Clark] to said George Blaikie and arreisted for payment to Milne of the like sum due by Blaikie's bond, 19 June 1663, registered 4 August inst., to Milne, with 10 merks of expenses; Clark, defender, absent.

*Eodem die* decerns Lizzie Browne in Melrose, and William Wallace, weaver, portioner there, to pay to Margaret Lythgow, wife of James Eillies of Huntlywood, 9 l. due by said Lizzie Brown to said William Wallace and arreisted in part payment of 25 l. principal and 50 s. expenses in decret, 15 June last, at their instance against Wallace; Lizzie Brown deponed she was owing 80 l. to William Wallace at time of arreistment, but had before become debtor to George Wallace for 50 merks and 2 years'

interest, and had given the said William Wallace at the bailie's command to pay the Earl's feu-duty 18 l., and to James Lamb at the bailies command 14 l. 14 s., so there rested in her hand only 9 l. ; absolves from the rest.

*Eodem die* decerns Patrick Blaikie in Wooplaw to pay to Dand Gray in Stow 16 l. 16 s. as price of a 4 year old black cow bought from pursuer at Whitsunday 1663, promised to be paid at Martinmas, and thereafter he came and promised him a ewe hog or 50 s. to suspend payment till Whitsunday, extending to 18 l. 10 s. ; defender confessed ; 38 s. expenses.

*Eodem die* decerns Andrew Pringle in Hagburne and George Pringle, fiar of Blindlie, to pay to William Carne-croce of Allanshawes 100 merks of principal and 10 merks of expenses and the bygone interest due to said George and arreisted for the like sums contained in latter's bond to pursuer, 9 September 1658, registered 12 May 1663 ; defender absent.

*Eodem die* decerns Mr. William Duguid, portioner of Aplettrieleaves, to pay to David Thomsonsone in Longhauch 11 l. for meat and drink furnished to him by the pursuer ; defender absent ; 22 s. expenses.

*Eodem die* decerns David Ritchesone, James Eistoun, Robert Cochrane, Thomas Uns 'Laird,' Mungo Purves, younger, Mungo Purves, elder, Robert Ker, Mungo Gibsone, William Maben, Walter Gibsone, Janet Coitt, John Milne, Patrick Riddell, Margaret Park, John Thorbrand, James Purves, David Kyll, smith, James Stodert, John Bryden, William Robiesone, George Eiston, James Eiston, Andrew Bryden, John Fairbarne, Thomas Hunter, younger, John Gray, James Porteous, and George Porteous, portioners of Lessudden, and each of them respectively conform to their interest and proportions of land there, to pay to Thomas Hunter, elder, and Mungo Paton, portioners there, 40 l. 2 s. 8 d. of principal and 3 l. 10 s. of expenses and 3 l. 10 s. of sheriff fee and comprising money, advanced and paid by them for themselves and the

defenders to the said Mungo Purves, younger, conform to decret by sheriff of Roxburgh, 25 January 1653, at his instance against said Thomas Hunter and Mungo Paton and others in name of the heritors of the said town, to which the bailie interponed his authority on 4 June last, whereupon the pursuers were distrained. The said Robert Cochrane and David Ritchiesone, defenders, confessed, and immediately paid their proportions to the pursuers; the rest of defenders absent, held as confessed; 4 l. 14 s. expenses.

*Eodem die* decerns George Sandielands, miller in Longshaw mill, to pay to Mr. John Scot of Longshaw 6 l. for each boll of 6 bolls ferme meal owing by him to the pursuer preceding Whitsunday last, extending to 54 l.; defender absent; 5 l. expenses.

*Eodem die* decerns Andrew Wallace, weaver in Melrose, and William Fisher of M'Quhirrie, to make furthcoming to Thomas Cochrane, portioner of Newtoun, 'ane linnen wob 20 elnes long' pertaining to Fisher, and arreisted in part payment of a greater sum due by Fisher for the relief of the said Thomas Cochrane, who is distressed as cautioner for him to William Curror; defender absent.

*Eodem die* decerns George Ormeston in Melrose and Bessie Bell his spouse to pay to Andrew Penman, Adam Lythgow, Mark Blaikie, George Eillies, and Thomas Lukepe there, 8 l. Scots for maill and duty of a house and yard in Danzielton, Whitsunday 1663 to Whitsunday 1664; defenders absent; 16 s. expenses.

Melrose, 12 August 1664; Gideon Jackson.

Which day decerns James Bowar, portioner of Eildon, to pay to John Mein, maltman in Newsteid, 3 l. for certain 'grase maill' promised to pursuer for the space of six weeks preceding Whitsunday 1663; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 8 s. expenses.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Robert Mylles, elder, weaver in Galtonsid, 58 s. 4 d. as balance of price of a cow bought by defender from pursuer on Lammas day last at 12 l., payable the following Wednesday; defender absent; 6 s. expenses.

*Eodem die* complaint by Edward Darling, younger, in Blainslie, in name of all the feuars, against John Thin, portioner there, narrating that on — June last 'the hail burlaymen of the towne with consent of nightbours ordained everie one to remove ther oversowmes from of the ground of Blainslie betwixt and that day eight dayes, utherwayes to mak payment of 5 merks for ilk oversowme that sould be fund thereafter by and attour ther removeing'; yet John Thin has kept four 'oversowme' and refuses to pay 5 merks for each of them or remove them. Decerns him to remove them within 48 hours or pay 6 l. for each oversowm.

*Eodem die* complaint by Mungo Purves, younger, portioner of Lessudden, against Mungo Paton there for calling him 'infamous and mansworne'; Paton appeared and confessed, craved pardon and promised never to do the like again; absolves.

Melrose, 20 August 1664; Gideon Jackson.

Which day decerns John Bowston, portioner of Darnick, to pay to John, Earl of Hadinton, 10 l. 18 s. due by him to Andrew Broun, tailor in Edinburgh, and Janet Tuno his spouse, and arreisted in his hands by virtue of the Earl's decret, 15 June last, against Broun and his wife for the bygone feu-duties and vicarage teind of a tenement and yard in Melrose; defender confessed he had promised to see the same paid at Michaelmas next; decerns, superseding execution till that term.

*Eodem die* decerns Andrew Darling, portioner of Aplettrie-leaves, to pay to William Kirkwood, messenger, 48 s. as balance of 3 l. 6 s. due to pursuer for charging Mr.

William Duguid of Apletrieleaves with horning and denouncing him at crosses of Jedburgh and Melrose; defender absent; 4 s.

‘Harvest vacance’

Melrose, 16 and 23 September 1664; Gideon Jackson.

Which 16th day absolves James Donaldson, portioner of Blainslie, John Greive, portioner there, Thomas Bowston, elder, in Galtonside, John Scot there, John Halywall there, Thomas Bowston, younger, and John Halywall there [*sic*], and on 23d day absolves James Milne in Melrose, James Mairton, tailor there, and Robert Marr, weaver there, John Pringle, Walter Riddell, John Frater in Longhauche, Thomas Gill in Newtonmylne, Thomas Stenhous in Newton, John Milne, portioner there, William Hendersone, William Hoy in Galtonside, Walter Veatche there, John Halywall, elder, there, John Bowar, Eister, in Eildoun, Richard Sklatter, there, Thomas Hunter, elder, portioner of Lessuden, John Paton there, Mungo Paton there, David Kyll, hostler there, and Nicol Bower, and each of them, from action by Alexander Clark, maltman, burgess of Edinburgh, and George Bell, burgess of Linlithgow, factors and commissioners for James Seaton of Touch, narrating Crown gift, 20 October 1663, [*sic*] to Seton of 40 s. Scots per boll of victual of all kinds that the lieges should thereafter buy, bargain for or receive ‘with ane peck to the boll or any uther eik or aditione lesse or mor contrair to the trew meaneing of the sextein and sevintein acts of the 23 Parliament of King James the Sext, which bears the mett and mesur of Linlithgow to be regular regulance of this kingdome, and uther acts maid thereanent,’ who by his factory, 25 January 1663 [*sic*] deputed Mungo Campbell, indweller in Edinburgh, to collect the same, who by his factory, 15 February 1663, registered in Commissary books of Peebles, 23 February, appointed the foresaid persons to pursue for the same, and they allege that the defenders bought or transacted for

48 bolls of victual with a peck added or otherwise, since the date of the gift. Referred to defenders' oaths, who deponed negative. 23d September, decerns John Young in Colmeslie to pay to pursuers 8 l. Scots for contravening the said Acts of Parliament, confessing he bought 4 bolls of oats and 3 little fulls from James Pringle at 5 l. the boll, *inde* 20 l., 'and so got the 3 halfe fulls to them.' The pursuers protested 'for remeid of law' against said Thomas Gill and took instruments that he deponed he had bought the teind of Cameston, crop 1663, from James Stoddert 'altogither without condisceding on the price of the first boll.'

[Melrose], 1 October 1664.

Which day decerns John Dewar in Easter Longlie to pay to William Edgar, fiscal, 10 l. for a riot committed by him on Andrew Tomlin and Robert Cook, servitors to James Mein in Wester Longlie; confessed he struck them; William Fisher, portioner of Easter Longlie, and James Moffet there, cautioners for the fine.

Melrose, Head Court, 8 October 1664; Gideon Jackson.

Which day decerns James Donaldsone, portioner of Blainslie, to pay to Mr. John Scot of Longshaw 40 s. as the price of 4 pecks of malt, being multure of 4 bolls of malt abstracted from Longshaw mill since Whitsunday 1653, and 5 s. 6 d. as the price of the multure of 3 fulls of humble-corn likewise abstracted; referred to defender's oath, who deponed as above.

[Melrose], 15 October 1664; Gideon Jackson.

Which day decerns Andrew Fisher of Wester Housebyre to pay to William Edgar, fiscal, 100 l. Scots as a fine for striking and blooding of Robert Mairton in Galtonside on 8 July last; pursuer opponed the blood produced, there being no witnesses present at the fact except Fisher's



wife, sister-in-law, and women servants, who cannot be admitted to depone in the matter ; defender absent, held as confessed ; and for further clearing the matter, referred to Robert Mairton, who deponed that Fisher gave him the blood produced by violent casting of him to the ground and striking him, ' and sex tymes more blood upon ane uther neckcloath and napkine, which the said Andro Fishar defender, with assistance of his wife, sister-in-law and women servants violentlie bereft him of, and that the said defender had pulled ane great quantitie of hair out of his head besyde, and also deponed that the said Andro Fishare defender was in the bloodwyte<sup>1</sup> of the samen, in respect he had given him no cause nor provocatione therto but only by desiring of him to pay his fie, and lykwayes that he nether stroak nor bled the said defender ' ; submitted to an assise of 15 persons ( ' particularlie nominate and designed in the dyet book ' ), who by their foreman, James Ker, elder, in Melrose, unanimously found Fisher guilty both of the ' blood and bloodwyte ' and absolves Mairton from the same.

*Eodem die* decerns Andrew Fishare in Wester Housebyre to pay to Robert Mairton, sometime his servitor, 12 l. of fee, half a boll of bear and a pair of shoes, promised to him for service from Martinmas 1663 to Whitsunday 1664, and the same from Whitsunday 1664 to Martinmas thereafter, ' in respect that the said defender had struckin and bled the said persewer and put him away from his service without any just cause ; referred to defender's oath, who deferred to pursuer, who deponed affirmative and that he had received from the defender 58 s., half a boll of bear and a pair of shoes, in part payment of his Whitsunday fee ; decerns with that deduction ; 40 s. expenses.

*Eodem die* decerns Andrew Darling, portioner of Aplettrieleaves, and John Leyes his servitor, for his interest, to pay to Helen Claperton in — and James

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<sup>1</sup> This seems a new use of the term, implying not the penalty itself but liability thereto.

Williamsonsone, her son-in-law, 4*l.* 5*s.* Scots and 30*s.* as the price of six quarters of 'gray' due by him to Leyes as the balance of 20*l.*, and arreisted for part payment of 11*l.* 4*s.* of principal and 24*s.* expenses in decret, 9 July last, by pursuers against Leyes; superseding execution till Martinmas next. Referred to Darling's oath, who deponed resting only the above balance; 8*s.* expenses.

*Eodem die* decerns Walter Carnecroce, eldest lawful son of William Carnecroce of Allanshaw, to pay to John Trotter in Easter Housebyre 27*l.* Scots as the agreed-on price of a 'naig' bought from pursuer in April last, payable in 15 days; defender absent; 59*s.* expenses.

*Eodem die* decerns James Carnecroce in Galtonside to pay to William Fisher of M'Quhirrie 3*l.* Scots as balance of the price of a horse bought from pursuer; defender absent; 6*s.* expenses.

*Eodem die* absolves William Ker, portioner of Newtown, from action by Michael Gibsone in Melrose, who and his wife were feed by Ker in harvest 1656 for 16*l.* of fee, and they only received 6*l.* 18*s.* Referred to defender, who deponed the fee paid and a little full of wheat in addition.

*Eodem die* absolves Robert Clark, merchant in Galtonside, and John Halywall, maltman there, from action by William Edgar, fiscal, against them for striking and wounding one another; not sufficiently proven.

[Melrose], 19 October 1664; Gideon Jackson.

Which day decerns Andrew Fishar in Westerhousebyre 'to have defaulted, amitted, and tynt all and quhatsumever his moveabill goods and geir by his violent and masterfull deforceing of Andro Phaupe, officer,' and transgressing Act of Parliament, King James VI., Parliament 12, cap. 150, half to be delivered to William Edgar, fiscal, and the other half to Andrew Phaupe, at least the prices thereof as follows:—50 score of sheep young and old, at

53 l. 6 s. 8 d. the score overhead, *inde* 2666 l. 13 s. 4 d.; 34 nolt oxen and kine, at 20 l. apiece, *inde* 680 l.; 5 horses and mares, at 50 merks apiece, *inde* 166 l. 13 s. 4 d.; 100 bolls of bear and oats now standing in his barnyard of Westerhousebyre, at 4 l. 10 s. the boll, *inde* 450 l.; extending in all to 3963 l. 6 s. 8 d.; and ordains the former decreet at instance of Robert Marton to be put to execution. Being admitted to probation of William Edgar, fiscal, and Andrew Phaupe, officer, produced execution subscribed by Phaupe bearing the said deforcement and that he broke his wand; and John Maben, John Barton, and Thomas Bowstoun *alias* Duke Dub, indwellers in Galtonside, whom Phaup took as witnesses, deponed they saw the officer apprehend the 5 oxen from the rest of defender's goods and drive them away to be poinded and apprised, whereupon Fisher 'cam in the meanetyme with two of his men servands and dogs all boddine with staffes and uther invasive weapones and violentlie spuizied, away took, and reft the said five oxen from the said Andro Phaupe, officer, efter he had driven them of the ground of the saids lands of Westerhousebire to the ground of the lands of Galtonside.' An assise of 15, by James Ker, elder, in Melrose, their foreman, found the deforcement proven; defender absent.

Melrose, 22 October 1664; Gideon Jackson.

Which day decerns Thomas Barrie in Williamlaw to pay to John Blaikie, merchant in Gallasheills, 5 l. 4 s. 6 d. for merchandise bought before Michaelmas last; defender absent; 8 s. 6 d. expenses.

*Eodem die* decerns John Sownhous, portioner of Blainslie, John Wallace, smith there, and John Lythgow of Newhouses, to pay to Mr. John Scott of Longshaw as follows, viz. Sownhous either to pay Scot 8 s. for each of 20 pecks of oats for multure of 20 bolls oats abstracted from Longshaw mill, and 32 s. for 4 pecks bear for multure

of 4 bolls bear likewise abstracted, or else to prove next court day 'that he hes agried with the millers for the samen'; Wallace to pay 11 s. for multure of 2 fulls pease, a boll of bear, and 2 fulls oats abstracted; Lythgow to pay 8 s. as multure of half a boll pease 'and another of beir' abstracted; referred to defenders' oaths, who deponed as above; modifies 1 s. per pound as expenses.

*Eodem die* decerns Michael Haistie, servitor to George Bald in Friershaw, to pay to James Halyburton, portioner of Mairtoun, 6 l. with 3 ells of gray or 20 s. per ell, *inde* 3 l., 'ane sark,' 20 s., a pair of new shoes, 16 s., in all 10 l. 16 s. of fee promised for service from Whitsunday last to Martinmas next, 'in respect the said defender will not enter home to his said service conforme to ther agriement'; defender absent. Absolves said George Bald from action to make 10 l. due by him to Michael Haistie forthcoming to said James Halyburton conform to the arreistment, because pursuer referred to Bald's oath, who deponed he owed nothing to Haistie.

Melrose, 19 November 1664; Gideon Jackson.

Which day decerns all and sundry the vassals and feuars of Melroseland to pay their 'few dewties and few ferme' due to the Earl of Hadinton for Martinmas 1664, conform to rental produced; all defenders absent, and held as confessed. Extracted against Thomas Chisholme of Hairhope for 100 l. for the feu duty of the lands of Hairhope, for Whitsunday and Martinmas 1663 and Whitsunday and Martinmas 1664, and for 50 l. yearly in time coming, with 10 merks of expenses; also against William Fishar, younger, portioner of Darnick, for 140 l. 11 s. 4 d. for his feu duty and feu farm for his lands in Darnick for Whitsunday and Martinmas 1664 and yearly in time coming, with 8 l. expenses.

*Eodem die* decerns Andrew Ker of Litledeane to pay to James Archbald in Lessudden and William Robsone there 18 l. 13 s. 4 d. as remainder of price of 26 l. 13 s. 4 d.

promised to pursuer 'for winning five thousand sklaits to him at 5 l. 6 s. 8 d. ilk thowsand,' whereof they had received only 8 l.; referred to defender, absent, and William Robson deponed affirmative; 36 s. expenses.

*Eodem die* complaint by Andrew Chisholme and John Moss, elder and younger, portioners of Darnick, for themselves and in behalf of the rest of the feuars of Darnick and Bridgend, William Bell, Andrew Mar, Robert Freir, and William Hoy, portioners of Galtonside, for themselves and the rest of the feuars of Galtonside and Westhouses, John Milne and Thomas Stenhous, portioners of Newtoun, for themselves and the rest of the feuars of Newtoun, Richard Sklaitter and James Mein, portioners of Eildoun, for themselves and the rest of the feuars there, against William Edgar, portioner of Melrose, Robert Trotter, portioner of Newsteid, and Andrew Darling, portioner of Aplettrieleaves, pretended stent masters of the parish of Melrose, narrating that by sundry acts of Parliament any kirks decaying and ruinous are to be repaired by a stent on the heritors, feuars, and liferenters of the parish, after a meeting of these heritors, etc., themselves, yet the foresaid persons without being nominated or elected by the parish did at their own hand convene and without considering proportional valued rents imposed unjust stents as follows, viz. the feuars of Darnick for their proportion, 1664, for repair of Melrose kirk, 12 l. 15 s. whereas by valued rent they are liable only in 8 l.; the feuars of Galtonside and Westhouses, 12 l. 15 s., who should pay only 8 l.; the feuars of Newtoun, 8 l. 10 s., who should pay only 4 l. 17 s. 6 d.; the feuars of Eildon, 6 l., who should pay only 3 l.; craving therefore the said unjust stent roll to be declared null and void. Both parties compearing, the bailie decerns the supplicants and all and sundry the feuars 'of the townes of Melrose-land' to pay stent conform to their proportion of rent according to act of Parliament.

*Eodem die* decerns Henry Mylles, portioner of Galtonside, to pay to Andrew Marr, portioner there, 50 merks

borrowed from pursuer last Pasche, to be paid at Whitsunday then next under pain of doubling, and 30 s. of annualrent ; defender absent ; expenses 3 l. 12 s.

*Eodem die* decerns Andrew Riddell in Lessudden, Katherine Riddell and William Maben there, tenants to Patrick Riddell, portioner there, to pay to George Adamson in Longnewtoun as follows, viz. Andrew Riddell 3 bolls ferme bear, Katherine Riddell 3 bolls of the same, *minus* a meikle full, and Maben 3 bolls thereof, as due by them of ferme, crop 1664, to said Patrick Riddell, and arreisted in their hands for 18 l. 13 s. 4 d. due to said George Adamson for a term's annualrent of 700 merks, Whitsunday to Martinmas 1664, conform to backbond by said Patrick to him, 29 March 1664 ; referred to defenders, and Katherine Riddell confessed, and rest of defenders absent.

*Eodem die* decerns the following to pay to Mr. John Somervail, minister at St. Boswalls, as follows, viz. William Robsone in Lessudden 3 l. 15 s. for a half boll of bear owing to pursuer, crop 1663 ; Andrew Riddell there, 1 l. 17 s. 6 d. for a firloft of bear, said crop, and 20 s. resting of crop 1662 ; John Bryden there for his part of the stipend, crop 1662, 5 l. 4 s. 2 d., and for his bear, crop 1663, 4 l. 7 s. 6 d. ; John Fairbairne there, crop 1661, 1 l. 13 s. 4 d., for his proportion of the manse, 2 l. 18 s. 6 d. ; Robsone and Riddell confessed, Bryden and Fairbairn absent, held as confessed ; prices of bear according to the fiars of the years claimed.

Melrose, 28 November 1664 ; Gideon Jackson.

Which day decerns Thomas Gastoun in Lessudden to pay to John Coitt there 19 l. 10 s. due to pursuer for malt and oats bought, also 16 s. borrowed, extending to 20 l. 6 s. ; defender absent ; expenses 40 s.

Melrose, 3 December 1664 ; Gideon Jackson.

Which day decerns Andrew Mercer 'Baitsheall' and

Andrew Mercer 'Pooll,' portioners of Darnick, to pay to Richard Turner in Dryburgh, each 5 l. 10 s. for meal and pease bought from him in April last, to be paid by Michaelmas; defenders confessed; 10 s. expenses to be paid by each of them.

*Eodem die* decerns Alexander Lythgow, fiar of Drygrange, and James Carnecroce his servant, to make forthcoming to John, Earl of Hadinton, 20 l. due to Carnecroce for servant fees preceding last Martinmas and arreisted by the Earl for certain bygone feuduties owing by said James to him; Lythgow confessed.—'25 Feb. 1665, payed to Gideon Jacksone by me.'

*Eodem die* decerns George Ormestoun in Melrose to pay to William Edgar, fiscal, 50 l. Scots as a fine for deforcing Andrew Phaup, officer, on 29 November last when he went to poind him at the instance of Andrew Penman and Adam Lythgow conform to decret, 6 August last, obtained by them against him; defender confessed taking two sheep from the officer. Also to remain in prison till he pay, or give bond for the 50 l.

*Eodem die* decerns Robert Trotter, portioner of Newsteid, and Andrew Mein, mason there, tenants to Barbara Andersone and John Davidstone, each to deliver to Isobel Milne in Newtoun 6 bolls of bear due by them to Anderson and her spouse, crop 1664, arreisted for payment of 36 l 0 s. 4 d. of principal and 3 l. expenses in decret, 9 August 1662 at pursuer's instance against John Mein, portioner of Newsteid, and said Barbara Anderson his mother; bailie repelled defences.

*Eodem die* absolves George Wallace, notary in Melrose, from action by William Fishare, eldest lawful son of deceased Michael Fishare, portioner of Darnick, and Jean Edgar his mother, narrating that William Fishare, elder, in Darnick, granted to said deceased Michael Fishare, father of said William and husband to Jean Edgar, a heritable Bond dated 17 August 1660 for 1100 merks, with annualrent, in which annualrent Michael was infeft;

which bond and sasine following thereupon do now properly belong to the pursuer as apparent heir to his father, yet the defender will not deliver the same; defender confessed the having thereof, and produced the bond and sasine in the clerk's hands 'and protested that the samen sould not be given up untill he ware satisfied for his paines in wreating.' Ordaine to lie in clerk's hands till it is known who has best right to the deeds.

Melrose, 10 December 1664; Gideon Jackson.

Which day absolves Robert Mein, elder, mason in Newsteid, and John Mein, multurer, his son, from action by James and Nicol Bowar in Eildoun, narrating that pursuers and defenders took the Coatyaids between them, *anno* 1663, from Barbara Anderson, yet the pursuers were forced to pay the whole year's feu-duty, being 10 l. 12 s. whereas they should have paid only 5 l. 6 s., and defenders ought to pay the other half. Defenders produced Barbara's discharge of that crop 1663.

*Eodem die* decerns George Carnecroce, mason in Eildoun, to pay to Robert Bunzie, mason in Newsteid, 4 l. due to pursuer and often promised; defender confessed, and alleged that pursuer had taken Adam Turnbull debtor for it, which pursuer denied; 8 s. expenses.

*Eodem die* decerns Nicol Bennet, portioner of Lessudden, to pay to John Riddell in Newtoun and Margaret Ritchiesone his spouse 16 l. borrowed from said Margaret; defender confessed, and alleged he had got 3 years to pay it in, whereof 2 were past and 1 to come; supersedes execution for 5 l. 6 s. 8 d. thereof till Martinmas next; 32 s. expenses.

Melrose, 17 December 1664; Gideon Jackson.

Which day absolves John Fisher of Westerhousebire and Andrew Fisher his son from action by the Earl of Hadinton,



narrating a Tack granted in 1621 by deceased Thomas, Earl of Haddington, his grandfather, to deceased James Carnecroce of Colmeslie, then heritor of Westerhousebire, of the parsonage and vicarage teinds thereof for two terms of 19 years from Whitsunday 1621, and the said deceased Earl on 16 December 1629 obtained decreet of valuation against him, who declared that the parsonage stock and teind of the said lands was worth no more to him of constant yearly rent than 766 merks, and the vicarage teinds worth only 64 merks, extending in all to 830 merks yearly, and the Earl assented thereto and the Commissioners of Teinds decerned accordingly; but this tack expired at Whitsunday 1659, and so the valued teind duty will extend yearly to 110 l. 13 s. 4 d., and is owing by the defenders to the present Earl for crops and years 1659, 1660, 1661, 1662, 1663, and 1664, extending to 664 l. Defender produced a tack by deceased Thomas, Earl of Hadinton, pursuer's father, prorogating the tack of the teinds for 19 years after Whitsunday 1659, dated 4 December 1641, registered in Books of Council and Session, 17 December 1641; and decerns the defenders to pay to the Earl the sum of — as for the feu duty of Westerhousebire yearly for 1663 and 1664; Andrew confessed. ('The forsaid tak of the teyndis will expyre at Witsonday 1678.')

*Eodem die* decerns Janet Miller in Melrose either to enter home to the service of Mr. Peter Blair, minister at Jedburgh, till Whitsunday next, or pay him 7 l. 10 s. of fee; defender absent; 12 s. [?] expenses.

Melrose, 14 January 1665; Gideon Jackson.

Which day decerns Thomas Barrie in Williamlaw to pay to John Pringle of Williamlaw 56 l. 1 s. 4 d. as balance of his Martinmas maill, 1664; defender absent; 5 l. expenses.

*Eodem die* decerns Andrew Penman in Melrose to pay to Richard Halywall, merchant burgess of Selkirk, 24 s. as the price of 'ane blew bonnet' bought from pursuer

about 2 years ago ; defender confessed 18 s. and denied rest, referred to his oath, who deferred to pursuer, who depones the defender promised him 24 s. for the bonnet. 'Thereafter the said Andro Penman consigned the 24 s. in the clerks hands, and then he and the said persewar agried, and Robert Dalgleshe got from the clerk in name of the persewar 12 s. and Andro Penman the uther.'

*Eodem die* complaint by John Maxwell, John Penman and William Wallace, merchant portioners of Melrose, for themselves and the rest of the portioners of Melrose, against James Riddell, portioner there, narrating that the said James Riddell has the 'southmost outmost tenement and yaird' in Melrose and is in neighbourhood bound to keep his yard dykes fencible and the complainers 'harmeles,' yet in place of upholding he has demolished the dykes and cut the hedges thereof, whereby the complainers' yards, corn and kale are exposed to be destroyed 'by the wholl beasts of the toune.' Both parties compearing the bailie ordains Riddell 'to mak his forsaid yaird dyks fenssable swa that the saids persewars may be harmeles and skaithles therthrow, within terme of law, under the paine of ten merks.'

*Eodem die* decerns John Hay in Galtonside to pay to Alexander Wood, merchant in Kelso, 11 l. 12 s. 6 d. for merchandise bought before Martinmas last ; defender absent ; 20 s. expenses.

Melrose, 28 January 1665 ; Gideon Jackson.

*Eodem die* decerns Andrew Pringle in Hagburne to pay to Gideon Jackson of Lochehouses 12 l. Scots for last year's feu duty of the lands of Hagburne and 40 l. now due for the teind of the said lands, crop 1664, conform to a precept directed by Mr. William Wallace of Allarslie, heritor of the lands of Hagburne, to said Andrew Pringle, his tenant, for that effect, dated 29 December 1664 ; defender absent ; 3 l. 6 s. 8 d. expenses.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to George Mercer, merchant in Darnick, 12 l. for 5 sheep bought from pursuer at 48 s. a piece; defender absent; 20 s. expenses.

*Eodem die* decerns James Purves in Craiksfoord to pay to George Purves in Sorlesfeild 16 l. borrowed from pursuer about four years ago; defender absent; 30 s. expenses.

*Eodem die* decerns John Trotter in Easterhousebyre to pay to Francis Scot, brother german to James Scott of Gallasheells, 15 l. 'for grassumes in Lamermoor' paid by the pursuer for the defender last summer; defender absent; 30 s. expenses.

*Eodem die* decerns James Stobo in Apletrieleaves to pay to Mr. John Scott of Longshaw 5 s. for the multure of a boll of bear abstracted by him from the mill of Longshaw since Whitsunday last; referred to defender's oath, who confessed.

*Eodem die* decerns Alexander Lythgow, fiar of Drygrange, to pay to William Kirkwood, messenger in Melrose 58 s. given by him to the defender to deliver to Thomas Lythgow his brother, but which he kept and applied to his own use; defender confessed; expenses 5 s. 6 d.

Melrose, 11 February 1665; Gideon Jackson.

Which day decerns William Wallace, merchant in Melrose, to pay to John Andersone, portioner of Ridpeth, 30 s. Scots resting due by him of the price of 6 young oaks bought from pursuer; referred to defender, who deferred to pursuer, who deponed affirmative. Thereafter Wallace paid the pursuer the said 30 s. therefore absolves.

Melrose, 25 February 1665; Gideon Jackson.

Which day decerns Thomas Wilsone, mason in Galtonside, to pay to James Mein 'Townheid' 50 s. for working

with the defender at Drygrange, and 30 s. of borrowed money, and 12 s. for a cartful of straw; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 9 s. expenses.

*Eodem die* decerns George Sandilands, miller in Longshaw mill, and Robert Leyes in — as his cautioner, John Hendersone, miller there, and William Hendersone, his father, as his cautioner, to pay to Mr. John Scot of Longshaw 40 bolls of oatmeal of Roxburgh measure before Pasche next or 9 l. the boll thereof, with 'ane fatt sow' or 9 l. as the value thereof, 2 dozen capons or 8 s. for each capon, 10 days 'moweing, twa raiks with twa horses to the coalls lyme and Elibankwood and to help home with his elding with the rest of the tennents, and to uphold the milne kill and milnehouses of Langshaw wyndteight and water teight and sufficient in walls and rooffe, and to grind the said persewar his owne cornes multurfrie, and that as for the yeares ferme maill and dewtie of the said mylne of Longshaw from Witsunday last to Mertimes last 1664,' conform to their agreement, and that equally between Sandilands and Henderson; defenders absent; expenses 10 merks.

*Eodem die* decerns William Denholme, portioner of Ridpeth, to pay to Mr. John Scott of Longshaw 55 l. 7 s. 'which with 40 lib. 17 s. allowed and deduced to the said William be the said persewer of accompts preceeding this day is the agried price of elleven bolls ane furlot oatmeall' bought from pursuer and others in his name; defender absent, proved by depositions of John Cuthbertsone and Andrew Kennedie; expenses 6 l.

*Eodem die* decerns Robert Maben in Danzieltoun to pay to James Mein in Coldonknowes 3 l. Scots as the price and worth of a plough belonging to the pursuer and wrongfully taken away by the defender at his own hand out of Faldonside at Lammas 1662; defender absent; expenses 6 s.

*Eodem die* decerns Andrew Atchesone in Threipwood

and John Wallace, smith in Blainslie, to pay to Mr. John Scott of Longshaw, the former 48 s. for 6 pecks as multure of 6 bolls oats, and the latter 24 s. for 4 pecks (at 8 s. [sic] the peck) as multure of 4 bolls of malt, abstracted by them from Longshawmill since Whitsunday last; defenders absent.

*Eodem die* decerns William Fishar of M'Quhirrie to pay to Francis Scott in Galashiels 25 l. as price of a cow bought from pursuer; defender absent; 50 s. expenses.

Melrose, 18 February 1665; Gideon Jackson.

Which day compeared Isobel Scott, wife of Mr. John Lythgow, minister at the kirk of Ewes, and produced a Disposition of this date, granted by her husband with her consent to Thomas Lythgow, 'only laufull child to the said Mr. John,' and his heirs, executors, and assignees, of all debts, money, corn, cattle, plenishing, horses, sheep, goods and gear belonging to them at their decease; which deed she ratified and approved judicially, declaring herself a willing consentor thereto, and thereupon James Eillies of Huntlywood as attorney for the said Thomas Lythgow took instruments.

Melrose, 11 March 1665; Gideon Jackson.

Which day decerns Andrew Riddell in Lessudden to pay to Walter Scott of Raeburne 4 l. 10 s. resting unpaid of crop 1663; defender absent; 8 s. 6 d. expenses.

*Eodem die* decerns Robert Bunzie, mason in Newsteid, to pay to John Mein, multurer there, 5 s. for each of 5 bygone kain hens due by him to pursuer preceding Martinmas 1664 for a but of land lying in the Blakmyre sometime pertaining to John Bunzie and now pertaining to 2 acres of land wadset by the said John 'to me' (pursuer), which but is possessed by the said Robert 'as a pairt of uther 2 aikers wodset to him for yearlie pay of a hen'; admitted to pursuer's probation, who proved same by said John

Bunzie, who deponed that the but should pay a hen yearly; whereupon said Robert Bunzie consigned the said 25 s. in the clerks hand, which is given up to pursuer on his receipt.

*Eodem die* decerns William Carnecroce of Allanshawes to pay to James Haistie in Eildoun 3 l. 10 s. and ‘sex capfull of meall halfe oat meall and halfe umblecorne meall, or 3 s. 4 d. ilk capfull, *inde* 20 s.’ Due and resting by defender to pursuer ‘for bigging of fald dyks upon the lands of Old Melrose’; defender absent; 9 s. expenses.

Melrose, 1 April 1665; Gideon Jackson.

Which day decerns John Bowar in Eildoun to pay to Michael Gibsone in Melrose 8 small fulls of wheat at 7 l. 13 s. 4 d. the boll, due to pursuer and promised to be paid at Martinmas last; defender confessed; 12 s. expenses.

*Eodem die* decerns John Thin, portioner of Blainslie, to pay to Mr. John Scott of Longshaw 63 l. as the price of the multure and sequels of 91 bolls of oats and 35 bolls of bear and humble corn ‘abstracted be him of his corne growand in Blainslie and imbrocht (his teynd and seid being excepted) from the said persuer his mylne of Longshaw since Witsunday 1663’; defender absent; 10 merks of expenses.

Melrose, 15 April 1665; Gideon Jackson.

Which day decerns William Fishar, portioner of Easter Longlie, to pay to Elizabeth Strang, widow of David, Bishop of Lismore, 11 l. 1 s. 8 d. due to her by George Alexander, his son-in-law, and arreisted in defender’s hands; Fisher confessed he had ‘as much cornes in his barne pertaining to the said George as wold satisfie the forsaid sowme.’

*Eodem die* decerns John Scot in Galtonside to pay to Andrew Dawsons in Coldonknowes byres 3 l. 5 s. as

remainder of certain wheat bought from pursuer at Lammas last ; defender absent ; 7 s. expenses.

*Eodem die* decerns William Carnecroce of Allanshawes to pay to James Rodger, shoemaker in Edinburgh, and Alison Anderson his spouse, sometime servitrix to said William, 9 l. for a year's fee, Whitsunday and Martinmas 1656 ; defender absent ; 18 s. expenses.

*Eodem die* decerns Thomas Uns, portioner of Lessudden, *alias* Laird, to pay to Robert Mein, elder, portioner and mason in Newsteid, 6 l. 7 s. 5 d. as the price of 5 little fulls of bear at 6 l. 3 s. 4 d. the boll, and 5 little fulls and a little peck of pease, same price, bought 2 years ago by pursuer from defender and paid for, with 4 s. for carrying it home, but which is as yet undelivered ; defender absent ; 12 s. expenses.

*Eodem die* decerns John Andersone, portioner of Ridpeth, *alias* 'Jeanes Johne,' to pay to James Milne in Melrose 4 l. disbursed by him to Andrew Phaupe, officer in Melrose, for jailor fee for the defender, imprisoned at instance of George Scott, surgeon, in January last, of which defender promised relief ; defender absent ; 8 s. expenses.

*Eodem die* decerns Janet Riddell, portioner of Lessudden, to pay to John Patoun there 33 s. 4 d. as the price of a wedder hog of the pursuer's taken away by her in January last ; defender absent ; expenses 4 s.

*Eodem die* decerns John Davidstone, portioner of Blainslie, to pay to Helen Fletcher at Ersiltoun 5 l. as balance of 7 l. borrowed from her ; referred to defender's oath, who deferred to pursuer, who deponed affirmative ; supersedes extracting till pursuer find caution to answer defender as law will ; expenses 10 s.

*Eodem die* decerns Edward Rolmanhous, portioner of Blainslie, John Wallace there, Agnes Rolmanous there, Margaret Turner there, Agnes Hardie, James Sownhous, John Sownhous, James Rolmanous, elder, and William Greive there, and William Cranston in the Roan, possessors

and occupiers of the town and lands of Blainslies, crop 1664, to pay to Mr. John Scot of Longshaw their teind duty, crop 1664, as follows, viz. Edward Rolmanhous 35 l. 17 s. 7 d. principal, 5 merks expenses; John Wallace 50 l. 15 s., 5 l. expenses; Agnes Rolmanhous 31 l. 11 s. 7 d., 3 l. expenses; Margaret Turner 8 l. 12 s. 3 d., 16 s. expenses; Agnes Hardie the same; James Sownhous 25 l. 16 s., 50 s. expenses; John Sownhous 42 l. 2 s., 4 l. expenses; James Rolmanhous elder, 16 l. 9 s., 30 s. expenses; William Greive 19 l. 13 s. 4 d., 36 s. expenses; William Cranston 51 l. 13 s. 4 d., 5 l. expenses; defenders all absent.

*Eodem die* decerns James Waugh in Melrose either to redeliver to Andrew Stenhous, servitor to William Wallace, merchant there, 'ane seck' borrowed by him from Wallace in September last 'to carie fruit in to Kelso,' or pay 30 s. Scots as the price thereof; defender denied, and pursuer proved by depositions of George Pringle and Thomas Mairton in Danzielton; 4 s. expenses.

Melrose, 6 May 1665; Gideon Jackson.

Which day decerns John Stobo, indweller in Aplettrie-leaves, to pay to Mr. John Scot of Longshaw 4 s. for the multure of half a boll of humblecorn abstracted from Longshaw mill since Martinmas last; referred to defender's oath, who deponed he abstracted only the above.

*Eodem die* decerns William Carnecroce of Allanshawes to deliver to James Moffet, portioner of Threipwood, 60 loads of muck wrongfully taken away by him from the pursuer in April and May 1662, or pay 1 s. per load, extending to 3 l.; also 10 s. as balance of price of timber bought from pursuer. Referred to defender's oath, who confessed 10 s. for the wood, and deferred as to the muck to the pursuer's oath, who deponed affirmative; decerns 1 s. for each load, and modifies 6 s. expenses.

*Eodem die* decerns John Lowrie, servitor to John



Trotter in Easterhousebyre, to pay to Andrew Merser 'Pooll' 4*l.* for grass maill of 18 sheep 'grassed' by pursuer to defender 'in the Lairds land,' 1664. Defender confessed 'he put 15 hogs to the persewer, quho promised to winter them and yet neglected them so that he was forced to fetcche thame,' which defence was repelled; 8*s.* expenses.

Melrose, 20 May 1665; Gideon Jackson.

Which day decerns James Gastoun in Lessudden and James Archibald there to pay to James Pringle in Ersiltoun and John Thomsone there, as follows, viz. Gastoun to pay 10*s.* for waters, 10*s.* for ale, and for 'a fou a pease' received by him on said James Pringle's account 1*l.* 3*s.* 4*d.*, and for a stack of peats received by him from James Tait in Fans upon Pringle's account 'and remaines' 26*s.*, extending to 3*l.* 9*s.* 4*d.*; and Archbald to pay to Pringle for waters 48*s.* and to pay to Thomsone 30*s.* for 'sparrs' bought by him; defenders absent; modifies 7*s.* expenses to be paid by Gastoun to Pringle, and 4*s.* by Archbald to him, and 4*s.* by Archbald to Thomson. [This entry crossed through, and note on margin, 'Stopped, vide 1 July 1665.']

*Eodem die* decerns John Hoy in Galtonsid, as principal, and William Bell and William Hoy, portioners there, his cautioners, to pay to James Pringle of Yair 4*l.* due by John Hoy to pursuer for fruit bought in September last; defender absent; 8*s.* expenses.

*Eodem die* decerns John Hall, portioner of Threipwood, and Lizzie Hall his daughter, widow of Robert Knight there, and executrix to him, to pay to Andrew Wood, burgess of Lauder, as follows, viz. John to pay 9*l.* for a boll of oats and 15*s.* remaining of the price of another boll of oats, bought by him from pursuer in March 1664; and Lizzie to pay 9*l.* for a boll of oats bought by her deceased husband in March 1664; defenders absent; 18*s.* expenses payable by each.

*Eodem die* decerns James Mein in Westerlonglie to deliver to George Dewar in Colmeslie a boll of oats bought by him from deceased William Fishar, younger, portioner of Darnick, who directed pursuer to get same from William Williamsone in Galashiels, who sent him to defender to get the same, and who accordingly delivered a boll of oats to pursuer, who received them in his own sack and set them up in defender's barn, and now after the death of said William Fisher refused to deliver the oats to the pursuer; defender confessed he delivered the oats at Williamson's direction, 'but the said William to whom he had sold them had taken them againe, and which ware yett standing in his barne.'

*Eodem die* decerns John Maxwell in Melrose, as cautioner for John Tailleor in Midlim, to pay to Patrick Bulman in Moxpople 35 s. as balance of price of sheep bought by Taylor from the pursuer before Martinmas last; defender confessed becoming cautioner; 4 s. expenses.

*Eodem die* decerns Andrew Pringle in Hagburne, John and Robert Leyes in Whytlie, to pay to Mr. John Brown, schoolmaster at Melrose, 41 s. as remainder of the stent imposed upon them for the schoolmaster's 'stipend' from Pasch 1663 to Pasch 1664, and 5 l. 10 s. as their proportion of the stent imposed upon the parish of Melrose for the same, Pasch 1664 to Pasch 1665, extending in all to 7 l. 11 s. Defenders absent; 14 s. expenses.

Melrose, 27 May 1665; Gideon Jackson.

Which day absolves George Haistie and Patrick Bulman, tenants in Moxpople, from action by Anthony Murray for himself and Margaret Ker his spouse, liferentrix of the lands of Moxpople, against them for 3 bolls bear of their ferme, crop 1663, at 9 l. the boll, *inde* 27 l.; defenders compeared by William Kirkwood their procurator, and alleged they had disbursed 23 l. 0 s. 1 d. 'for the saids persewars ther land rent' to the collector of the shire, conform to discharges, 1648, and that the 3 bolls

bear claimed by pursuers extended only to 16 l. 10 s. conform to the Candlemas fiars, 1663 ; but John Bunzie, procurator for pursuers, answered that same was paid for maintenance in 1648, at which time deceased James Carnecroce, first husband of said Margaret, was living, whose heirs and executors alone were liable to relieve defenders thereof. Bailie being advised absolves, and ordains defenders to have allowance of 6 l. 10 s. 1 d. from pursuer off next year's ferme, being superexpended in that amount.

*Eodem die* decerns and ordains James Riddell in Lilsle 'to cause mak his yaird dyks being the southemost and outmost in Melrose fenseable, swa that John Maxwell, portioner ther, William Wallace, merchand, and John Penman, his nightbours, may be harmeles and skaitheles, within terme of law under the paine of ten merks Scots by and attour the fulfilling of the premises.'

*Eodem die* decerns Thomas Bichet, herd, to pay to Adam Lythgow, weaver in Melrose, 2 merks as the price of a wedder hog delivered to him to keep, and which he suffered to be worried ; defender confessed he received the sheep and declared 'he could not hinder the worr[y]ing of the hog.'

*Eodem die* decerns John Broun, indweller in Melrose, to pay to Thomas Mar, portioner there, 5 l. 10 s. of house maill, Whitsunday 1664 to Whitsunday 1665, and 26 s. for an ell of linen ; defender absent ; 13 s. 4 d. expenses.

*Eodem die* decerns John Uns, maltman in Lessudden, and James Archbald there, to pay to John Coitt, portioner there, the former 52 s. as balance of price of bear bought from pursuer in 1662, and latter 5 l. 15 s. as balance of price of malt bought 3 or 4 years ago ; defenders absent ; Uns to pay 4 s., and Archbald 10 s.

Melrose, 10 June 1665 ; Gideon Jackson.

Which day absolves Andrew Kennedie, portioner of Darnick, from action by Thomas Gray in Lillieslie against

him for 2 years’ annualrent of 80 l., being 4 l. 16 s. yearly, *inde* 9 l. 12 s.; referred to defender, who deponed negative.

*Eodem die* decerns Andrew Hietoun, portioner of Darnick, to pay to George Hownham in Melrose 17 l. 10 s. for bear bought by Thomas Wright in Caldsheell from Hownham, for which Hietoun became cautioner; defender confessed becoming cautioner; 34 s. expenses.

*Eodem die* absolves Elspeth Vaitche in Galtonside from action by Jean Laidlaw in Bowhill for 12 l. ‘for keeping and boarding of ane child of hers for the spaice of ane yeir 5 or 6 yeares [ago] or therby’; referred to defender, who deponed ‘that shoe never promised payment to the persewer nor non of hers.’—(‘This sould not be booked quhill the 1 of July 1665.’)

*Eodem die* absolves George Merse, portioner of Darnick, from action by Andrew Chisholme, portioner there, who is heritably infeft in 6 acres of land in Darnick, ‘to whiche perteanes ane daill of land and a halfe daill in the Croice and the halfe of the headrig lyand in the Byremeidow, which ware possest be his prediccursors as is notourlie knowne,’ yet Merse wrongously laboured and possessed the same and refused to give possession or pay the rents and duties. Defender offered to prove that he and his predecessors have been in actual and uninterrupted possession of the ground controverted beyond memory of man, at least for 40 years, and adduced witnesses (not named), who proved the same clearly.

‘Curia dicte regalitatis de Melros tenta in aula ejusdem per dictum Gideonem Jacksonem, the Earle of Hadinton and his Lady and Mr. John Drumond of Meginshe being present, 26 day of June 1665; curia legittime affirmata.’

Which day decerns all and sundry the feuars in Melrose-land liable in payment of kain fowls to the Earl of Hadinton either to carry and transport their kain fowls to Tynning-

hame at their own expenses or pay in composition therefor yearly to the Earl or his factors and Chamberlains the sums following, viz. 6 s. 8 d. for each capon, 5 s. for each hen, 'and fourtie pennyes for ilk kaine foull in Darnick allanerlie,' at the accustomed times, and that for rests 1664, this year 1665, and in time coming 'dureing the said Earle of Hadintones pleasure'; the Earl always allowing 18 s. Scots to the feuars for carrying and transporting every 30 kain fowls to Tynninghame.

*Eodem die* complaint by William Edgar, portioner of Melrose, for himself and the rest of the feuars of the Annay of Melrose, against all and sundry the inhabitants of Melrose and Danzielton, who 'by yearlie layeing in of ther lint in the river of Tweid at that pairt therof wher the water wall for defence of the Annay is, doeth dilapidat and demolishe the said water wall, to ther great prejudice and losse, and onnawayes will forbear to doe the samyne' unless compelled. 'Which complent the said Earle of Hadinton haveing heard seine and considered and being ryplie and weill advised therwith, fynes and amerciats everie persone that sall at any tyme heirefter lay ther lynt in the river of Tweid at that pairt therof wher the forsaid waterwall is, in the sowme of five merks Scots for ilk contraventione *toties quoties*.' (Signed) HADINTON.

Melrose, 1 July 1665; Gidon Jackson.

Which day decerns Michael Gibsone in Melrose to pay to William Kirkwood, notary in Melrose, 58 s. of principal and 5 s. 8 d. expenses due by Gibson to Alexander Lythgow, fiar of Drygrange, and arreisted for the like sum due by decret, 28 January last at Kirkwood's instance against Lythgow; Gibson confessed owing 4 l. to Lythgow, and Lythgow being absent is held as confessed.

*Eodem die* decerns Agnes Riddell in Eildoun to pay to Andrew Mein, mason in Newsteid, and Agnes Cochrane his spouse, 4 l. 10 s. 6 d. for half an ell of linen, 5 s. for half an ell of harden, 5 s. for a peck of bear, 12 s. for a pair of

shoes, and 10 s. for a pair of white hose, *inde* 6 l. 8 s. for a term's fee, Whitsunday 1665 to Martinmas next, for which they hired the said Agnes Riddell, who refused to enter home to her service conform to agreement; defender absent; 13 s. 4 d. expenses.

*Eodem die* decerns John Rodger, portioner of Ridpeth, to pay to John Dickson in Ersiltoun 10 l. of fee, Whitsunday to Martinmas 1662 due to him by deceased John Rodger, his father; defender absent; 20 s. expenses.

*Eodem die* decerns James Wauche in Melrose to pay to Agnes Mein, wife of James Mein, smith in Newsteid, 4 l. 16 s. 8 d. for meat and drink furnished to him, except 36 s. which he promised to pay for Thomas Eillies, wright; defender absent; 9 s. expenses.

*Eodem die* absolves Thomas Gray in Lillieslie and John Leitheid in Melrose, his cautioner, from action by Andrew Kennedie, portioner of Darnick, against them for 2 merks yearly for 4 years ('except ane merk') for the 'benefite of twa aikers of his land in Darnick' conform to promise; defender denied, and pursuer referred to his oath, who deponed negative.

*Eodem die* decerns John Andersone, Wester, portioner of Ridpeth, to pay to Andrew Phaube, officer of Melrose, 7 l. 6 s. 8 d. of jailor fee for 22 days, from 8 April to 1 May last; defender absent; 14 s. expenses.

*Eodem die* decerns James Gastoun in Lessudden and James Archbald there to pay to James Pringle in Ersiltoun and John Thomson there as follows, viz. Gastoun to pay to Thomson 8 s. as balance of 30 s. for 'sparres,' and 20 s. to Pringle as resting for a stack of peats bought by him from James Tait; and Archbald to pay to Pringle 48 s. for waters. Gaston, present, 'deponed affirmative,' and Archbald, absent, is held as confessed; modifies 1 s. for each 1 l. as expenses of plea.

Retour (*in Latin*) of the special service of Thomas Haistie to his great-grandfather George Haistie, portioner

of Maxpopell, in one and a half quarters of land with pertinents of the 5 merk lands of Maxpopell, now worth yearly 25 s. Scots, and held of William Cairncroce of Calsheill in fee and heritage for yearly payment of  $4\frac{1}{2}$  bolls of 'leipit meill' (*cummilat. farinæ*) and  $4\frac{1}{2}$  bolls of bear, with  $4\frac{1}{2}$  capons, good and sufficient merchandise, Melrose measure, payable the said victual between Yule and Candlemas, and the capons between Easter and Whitsunday, and the heirs of the said George Hastie paying the first year of their entry  $1\frac{1}{2}$  bolls meal (*frumenti*) and  $1\frac{1}{2}$  bolls bear (*hordei*) in augmentation of the said feu farm; which lands have been in the said superior's hands through nonentry since the decease of said George in 1628, being 37 years. Dated 1 July 1665, being written by Thomas Wilkiesone, notary, clerk of the regality. The members of assise are as follows:—George Haistie in Maxpopell, Patrick Bulman there, Thomas Stenhouse, portioner of Newtoun, William Ker, portioner there, William Edgar, portioner of Melrose, Mungo Donaldsone, portioner there, James Ker, elder, there, Adam Lithgow there, Michael Gibson there, Thomas Law there, James Meser [*sic*], portioner of Newsteid, John Bunze, portioner there, John Mein, portioner there, William Fisher, portioner of Easter Langlie, and John Davidsone in Newsteid.

Melrose, 15 July 1665; Gideon Jackson.

Which day decerns George Wilsone, herd in Clackmae, to pay to George Sheill in Kaidsliedoors 3 l. for corn eaten and destroyed 'be him' and comprised to 'ane prick boll of oats'; also 3 l. for a ewe of the pursuer's lost by the defender's neglect in 1664 upon the lands of Clackmae; referred to defender, who deferred to pursuer, who deponed affirmative; 12 s. expenses.

*Eodem die* decerns John Rathie, portioner of Melrose, to pay to John, Earl of Hadinton, 4 l. 12 s. due by him to James Huntar in Jedburgh, and arreisted for payment to the Earl of the like sum due by Hunter and Robert

Maxwell, his author, of bygone feu duty for a half tenement of land and yard in Melrose sometime pertaining to said Robert Maxwell and now to said John Rathie; defender absent; 8 s. expenses.

*Eodem die* decerns James Carnecroce, portioner of Galtonside, to pay to John, Earl of Hadinton, 64[1.] 18 s. due (after accounting) of bygone feu-duties for the acres of land in Galtonside possessed by him for Whitsunday and Martinmas 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, and 1665; defender absent; 6 l. expenses.

*Eodem die* absolves Bessie Eiston, now spouse to William Robsone in Lessudden, from action by John Bryden, lawful son of Andrew Bryden, narrating that the said Bessie and the deceased Mungo Kyll called Easter, her first husband, to whom she is executrix, about 10 years ago bought from the pursuer some victual, worth 40 l., of which he received no payment; defenders denied, but pursuer failed in three terms to prove the charge.

Melrose, 29 July 1665; Gideon Jackson.

Which day decerns Helen Paton, widow of Mark Kyll in Lessudden, to deliver to Isobel Kyll, wife of Andrew Sklaiter, portioner of Newsteid, the rights, titles, and securities of a house and yard in Lessuden called 'Stand the loane' pertaining to Thomas Kyll, wright in Hadinton, brother of said Isobel, and which he has promised to dispone to her; defender absent.

Melrose, 12 August 1665; Gideon Jackson.

Which day decerns Agnes Mairton, widow of William Fisher of M'Quhirrie, to deliver two black oxen pertaining to her late husband to Frances Scot, brother german of James Scot of Galashiels, in satisfaction of 25 l. of principal and 50 s. expenses in decreet, 25 February 1665 obtained by him against Fisher; defender absent.



Melrose, 19 August 1665 ; Gideon Jackson.

Which day decerns Andrew Pringle in Hagburne to pay to George Pringle of Buckholme 40 l. for cutting and destroying certain trees and greenwood of his in his woods of Williamlaw and Buckholme during several years past ; defender desired inspection of the summons, which is refused, and being enjoined to answer presently he denied, but pursuer produced a missive letter from George Pringle of Torwoodlie and George Pringle, fiar of Blindle, 'beareing the agriement maid betwixt the said persewer and defender quherby the said defender promised to mak payment to the said persewar of the sowme of 40 lib. betwixt and midsummer day thereafter' ; modifies 40 s. expenses. Defender took instruments and protested for legal remedy because the bailie 'absolutelie refused to give him inspectione of the proces that he might give in his lauffull defenses.'

*Eodem die* decerns Patrick Lukup, wright in Melrose, as cautioner for deceased William Fisher of M'Quhirrie, to pay to James Waughe in Melrose 7 l. 10 s. and 32 s. for 'twa yocking of land,' which was to be paid at Lammas last ; referred to Lukup's oath, who deferred to pursuer, who deponed affirmative ; expenses 18 s.

Melrose, 14 September 1665 ; John Ker, portioner of  
Melrose, bailie-depute *pro tempore*.

Which day decerns Gideon Jacksone of Lochousses to pay to William Edgar, fiscal, 10 l. Scots of fine 'for striking and hurteing of Robert Mott, servitor to John Bowar, portioner of Eildoune,' on 21 August last ; defender confessed he struck Mott 'and that the said Robert did never offer to strik at him againe.'

Melrose, 7 October 1665 ; John Pringle in Williamlaw,  
bailie-depute *pro tempore*.

Which day absolves George Tailyeor, portioner of Blainslie, and Thomas Darling, his son-in-law, wright there,

from action by James Rolmanous, younger, there, who and his authors and predecessors have peaceably possessed ‘ ane peice of ground befor his door in Blainslie ’ for 46 years past without interruption, till of late in July last the said defenders came and built a turf stack thereupon, and the pursuer made his address to Gideon Jacksone, bailie-depute, who ordered Andrew Kennedie, officer, ‘ to goe and cast downe the said turffe stak,’ which he did ; yet the defenders came again and ‘ masterfullie coast the said persewar his turffes away againe and destroyed his green kaill, accompanied with Robert Hendersone, notar in Lawder.’ William Kirkwood, procurator for defenders, denied the charge, and pursuer adduced several witnesses [not named], whose depositions fail to prove the complaint. [In margin is written :—‘ *Vide* 23 June 1666, repealed and the contrare done.’]

*Eodem die* absolves Patrick Bulman in Maxpople from action by Michael Gibsone in Melrose against him, narrating that on 7 July last defender sold him a ‘ quey ’ for 8 l. 16 s. and received 30 s. thereof ‘ in earnest,’ but the defender refuses to deliver the beast or restore the earnest money. Defender denied, and pursuer referred him to his oath, who deponed negative.

Melrose, 14 October 1665 ; Gideon Jackson.

Which day decerns Adam Darling in Westhouses to pay to Helen Edgar in Melrose 8 l. for ale bought from her ; defender absent ; 8 s. expenses.

*Eodem die* decerns Andrew Olipher in Darnick to pay to William Carnecroce of Hilslope 20 merks as the agreed price of ‘ the bark of certaine saughes ’ bought in May last, payable at Midsummer ; defender absent ; 2 merks expenses.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to William Spotswood, portioner of Darnick, 9 l.

as the price of 3 wedder sheep bought from pursuer in October [? last] payable at Martinmas ; defender absent ; 18 s. expenses.

*Eodem die* decerns Andrew Lukup in Danzielton to pay to William Williamsone in Galashiels 9 l. 14 s., and William Lukup his son, to pay 7 l. 10 s., as price of timber bought by them from pursuer ; William Lukup absent, held as confessed ; Andrew Lukup confessed, and alleged the pursuer promised him 'twa tries to the bargain' ; Andrew's expenses 18 s., William's 14 s.

Melrose, 21 October 1665 ; Gideon Jackson.

Which day decerns Andrew Kennedie, portioner of Darnick, to pay to Thomas Cochrane in Newtoun 50 s. for cheese bought from pursuer at Lammas 1664 ; referred to defender's oath, who refused to depone ; 4 s. expenses.

*Eodem die* decerns James Archbald in Lessudden and Janet Brotherstones his spouse to pay to David Rutherford in Templehous 8 l. Scots conform to their Ticket to him, 21 December 1664 ; Archbald confessed ; supersedes extract till Martinmas next ; 16 s. expenses.

*Eodem die* decerns Richard Sklaitter, portioner of Eildoun, either to retire from James Eillies of Huntlywood a bond granted to him for 100 merks about 21 years ago by John Vair, portioner of Eildoun, Thomas Mein, portioner there, Nicol Bowar, Robert Midlemist, Robert Mein, younger, Robert Leitham, and James Hunter, portioners there, and other feuars of Eildoun, or obtain discharges from Eillies of the pursuers' respective proportions, in regard they have paid the same with the annual-rent to Sklaitter to be given to Eillies, which Sklaitter confessed, but declared that 'the thrie lands which perteaned to William Chisholme and ane to George Lawrie and ane to James Bowar' are yet resting their proportions ; reserving therefore action for defender's relief at their hands ; 10 l. expenses.

‘ Mr. Robert Maine entered baillie 18 November 1665.’

‘ Curia dicte regalitatis de Melros tenta in pretorio ejusdem per Magistrum Robertum Maine de Loche-wood, ballivum deputatum dicte regalitatis prepotenti comiti Joanni Comitis [*sic*] de Hadinton Domini Binning et Byres ballivi principalis dicte regalitatis, decimo octavo die mensis Novembris anno 1665 ; curia legitime affirmata.’

Which day decerns John Davidsons in Newsteid to pay to Thomas Law, weaver in Newsteid, 40 s. for which he became debtor for Andrew Kennedie, portioner of Darnick ; defender absent ; 4 s. expenses.

Melrose, 25 November 1665 ; James Eillies of Huntlywood, bailie-depute *pro tempore*.

Which day decerns Andrew Fisher of Westerhousebyre to pay to William Edgar, fiscal, 50 l. as a fine for striking and drawing blood of Andrew Lythgow, son of James Lythgow of Drygrange, on 23 November inst., and decerns Andrew Lythgow to pay to the fiscal 10 l. for striking Andrew Fisher ; Lithgow confessed striking, and declared Fisher bled him, which the latter denied, but the fiscal proved the same by depositions of Walter Vaitche, Thomas Halywall, and William Raynick, and an assise of 15 by their foreman, James Ker, elder, found him guilty. Found nothing proved against said [*sic*] Thomas Lythgow.

Melrose, 2 December 1665 ; Mr. Robert Maine.

Which day decerns John Mein, maltman in Newsteid, to pay and deliver to Robert Bunzie, mason there, 9 bolls of bear, Roxburgh measure, due by him to Barbara Anderson and John Davidson in Newsteid, her spouse, of ferme bear for their lands possessed by him, and arreisted in his hands for payment of 32 l. principal, a year's interest, and 10 merks of expenses, in Bond by said John Davidson

and spouse to said Robert Bunzie, 25 November 1664, registered 27 November last ; defender confessed owing 9 bolls, payable only at Candlemas 1667, ' quherof John Davidstone and his wife was awand him 8 lib.' Decerns as above, deducting 8 l. and superseding extract till Candlemas 1667.

Melrose, 9 December 1665 ; Mr. Robert Mainie.

Which day decerns John Davidstone in Newsteid and Barbara Andersone his spouse to pay to James Merse, portioner there, 7 l. 3 s. for a boll of bear bought from him in May ; 2 little fulls of bear, 26 s. 8 d. ; 13 s. 4 d. for a little full of pease ; 18 s. for straw ; 18 s. of borrowed money ; in all 11 l. 4 s. ; defender absent ; 22 s. expenses.

*Eodem die* compeared Margaret Mein, wife of Andrew Cairncroce, portioner of Ridpeth, and judicially ratified a heritable and irredeemable Disposition of this date, by said Andrew with consent of her and John Cairncroce their son, to Mr. John Lythgow, minister at Ewes, portioner of Ridpeth, and Isobel Scot his spouse, and the survivor, in conjunct fee and liferent, and to Thomas Lythgow his son, and heirs and assignees, of their two husband lands in Ridpeth, reserving a little house and yard. Andrew Phaup, notary in Melrose, thereupon took instruments as procurator for Mr. John Lythgow.

*Eodem die* decerns Janet Lyes in Longshawmill to pay to Andrew Hietoun, portioner of Darnick, 10 merks for timber bought from him in September last ; defender absent ; 13 s. 4 d. expenses.

*Eodem die* decerns John Davidstone in Newsteid to pay to Helen Edgar in Melrose 3 l. 7 s. for necessities furnished to him ; defender absent ; 7 s. expenses.

*Eodem die* decerns John Davidstone in Newsteid to pay to James Edgar in Melrose 5 l. borrowed and also due for necessities furnished to him and his wife ; defender absent ; expenses 10 s.

*Eodem die* decerns Patrick Riddell, portioner of Les-sudden, and Andrew Riddell his brother to pay to James Archbald there, the former 8 l. for ale, the latter 6 l. lent money; 'because the said Patrick Riddell being absent and the said Andro Riddell being present' [*sic*]; modifies '2 s. for everie pund' of expenses.

Melrose, 23 December 1665; James Eillies of Huntlywood,  
bailie-depute *pro tempore*.

Which day decerns Michael Gibsone in Melrose to pay to Andrew Turnbull in Bowdon 12 s. as balance of price of sheep bought in 1662; referred to defender's oath, who deponed he owed only 12 s.

*Eodem die* decerns John Leitheid in Melrose to pay to said Andrew Turnbull 45 s. as balance of price of sheep bought in 1664; referred to defender, who deferred to pursuer, who deponed positive; 3 s. expenses.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Thomas Merse in Faldonside 7 l. 12 s. as balance of price of nolt and sheep bought from pursuer at Michael-mas last; defender absent; 14 s. expenses.

Melrose, 6 January 1666; James Ellies of Huntliewood,  
bailie-depute *pro tempore*.

Which day decerns Michael Gibsone in Melrose to pay to John Greirsone in Clarielaw 15 l. 5 s. as balance of price of 8 sheep bought about a month ago, payable within 8 days thereafter; defender absent; 30 s. expenses.

*Eodem die* decerns Robert Marr, weaver in Melrose, to deliver to William Fisher, portioner of Newsteid, a boll of bear due by him to John Davidstone in Newsteid and arreisted for payment of 5 l. 14 s. 8 d. principal and 10 s. expenses in decret, 7 October last at Fisher's instance against Davidson; defender confessed a boll, not payable till Candlemas 1667, and deducting his public burdens; supersedes extract till that term.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Andrew and Bernard Mein in Newsteid 8 l. 11 s. as balance of price of sheep bought last Martinmas, to be paid within 14 days thereafter; defender absent; 30 s. expenses.

*Eodem die* decerns same to pay to Andrew Raneldsone in Darnick 10 l. 4 s. as balance of price of some ewes bought last Martinmas, and 3 l. 8 s. resting to deceased James Raneldsone his brother for 2 ewes bought at Martinmas 1663, and 3 l. as balance of price of a stot and a tup; in all 16 l.; defender's wife confessed, defender absent held as confessed; 30 s. expenses.

*Eodem die* decerns John Lithead in Melrose to pay to Thomas Bowie there 11 l. 15 s. as balance of price of certain malt bought from pursuer about 3 years ago; defender absent; 22 s. expenses.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to James Ellies, portioner there, *alias* Walkerraw, 9 l. 16 s. as balance of price of a cow bought in October last, payable at Martinmas; defender absent; 14 s. expenses.

Melrose, 20 January 1666; Mr. Robert Maine.

Which day decerns Barbara Andersone in Newsteid, John Davidstone her spouse, for his interest, and John Mein her son, to pay to Thomas Lythgow, portioner of Ridpeth, 6 bolls of bear, Newstead measure, due by them to deceased Isobel Anderson, widow of John Mein in Col-donknowes byres [*sic*], conform to her Contract of marriage, 20 May 1643, and that for crop and year 1665 whereto said Thomas is assigned by her, 24 August last; John Davidson present propones no defence, rest of defenders absent; 3 l. expenses.

*Eodem die* decerns William Maben in Lassuden to deliver to Andrew Bulman in Langnewtown 4 fulls of bear owing by him to Andrew and Patrick Riddell for crop 1665, and Katherine Riddell there to deliver three

'Tividaill bolls' of bear owing by her to them, said crop, and arreisted in defenders' hands for part payment to Bulman of 300 merks principal, 20 l. expenses, and interest, conform to the Bond by said Andrew and Patrick Riddell to him, 26 February 1658, registered in Melrose books 29 December 1666 [*sic*]; defenders absent.

*Eodem die* absolves William Laidlaw, portioner of Newtoun, from action by William Mylne there narrating that deceased John Laidlaw, defender's father, wadset to pursuer 'ane quarter of land ther with ane barne and ane half yaird ther,' and promised him sufficient security therefor, and caused him disburse to George Wallace, notary in Melrose, 4 l. for writing the wadset and sasine, and to Thomas Gill, miller there, 3 l., to Alexander Thomsone in Boudoun 1 l., and 4 l. for half a year's annual-rent of 200 merks. Referred to defender's oath, who deponed 'he never promised payment of the annual-rent forsaide to the said persewer' [*sic*].

Melrose, 27 January 1666; Mr. Robert Maine.

Which day decerns Michael Gibsone in Melrose to pay to William Kirkwood, messenger in Melrose, 4 l. for 'eldine' bought from him, and 7 l. 6 s. due by defender to James Lambe for sheep bought from Lamb, assigned 27 January [? inst.] to Kirkwood; defender denied, pursuer proved first part by depositions of James Lamb and John Bell, and the rest proved by James Lamb's oath; 11 s. expenses.

*Eodem die* decerns Walter Riddell in Bent Milne to pay to Alexander Turner in Galashiels 12 l. 18 s. as balance of price of 16 bolls of oats bought from pursuer in 1665; defender confessed; 24 s. expenses.

*Eodem die* decerns John Notman in Colmeslie to pay to Thomas Gill, miller in Newtoun, 6 l. 8 s. for meal bought at Peace<sup>1</sup> 1664; defender absent, held as confessed,

<sup>1</sup> = Pasche (Easter).



with 'the officers assertion that the defender confest the debt'; 13 s. 4 d. expenses.

*Eodem die* decerns Michael Gibsone in Melrose to pay 10 l. 13 s. 4 d. as price of 'ane blak stot' bought in October last, payable at Martinmas; defender absent; 20 s. expenses.

*Eodem die* decerns William Notman in Colmeslie to pay to William Wilsone in Langhaugh 5 l. 2 s. as balance of price of 'ane gray meir' bought at Whitsunday last; defender absent; 10 s. expenses.

*Eodem die* decerns Thomas Law in Melrose to pay to Allan Thomsone in Clarielaw 6 l. as balance of price of sheep bought in November last; defender confessed 4 l. 4 s. and referred rest to pursuer, who deponed affirmative; 12 s. expenses.

*Eodem die* decerns James Gurlay in Melrose to pay to Robert Halywall in Darnick 40 s. for broom bought in February 1665; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 4 s. expenses.

Melrose, 3 February 1666; Mr. Robert Maine.

Which day decerns Robert Trotter, portioner of Newsteid, to pay to Thomas Lythgow in Ridpeth 6 bolls of bear, Newstead measure, due to Barbara Andersone there, John Davidson her spouse, and John Mein her son, of ferme bear for their Annay lands, 1665, and arreisted for payment of 6 bolls of bear and 3 l. expenses of plea contained in pursuer's decreet, 20 January last, as assignee to deceased Isobel Andersone, against said Barbara, etc.; defender absent.

*Eodem die* decerns John Davidsonsone in Newsteid to pay to Mr. James Daes, minister at Ersiltoun, 6 l.; defender absent; 12 s. expenses.

*Eodem die* decerns John Trotter of Easterhousebyre to

pay to Andrew Marr, portioner of Gattansyde, 22 l. 12 s. 'quhich James Boustoun being adebted to James Sheill' in Ersiltoun conforme to his land and the persewer being aughtand James Boustoun the lyk soume promised to pay the said James Sheill, thereafter the said John Troter defender being adebted the lyke soume to the persewer promised to pay the samyne to the said James Sheill and to have gotten up James Boustouns band with James Sheills discharge'; more, 4 'rich' [? for *rex*] dollars, *inde* 11 l. 12 s., borrowed by defender from pursuer's wife, Katherine Hall; defender absent; 3 l. 8 s. expenses.

*Eodem die* decerns Isobel Lythgow, goodwife of Sorrowlesfeild, to pay to Mr. James Daes, minister at Ersiltoun, 92 l. due by her to Hector Sheill in Hogseburne, arreisted in part payment to said Mr. James of 156 l. principal, 20 l. expenses, and annualrents, in Bond by Hector to him, 19 June 1665; referred to defender, who confessed 92 l. as price of certain lambs bought by her from Sheill on 7 July last.

*Eodem die* absolves Adam Vair in Newtoun from action at instance of William Edgar, fiscal, narrating that James Vair, his brother, being herd in Newtoun, in September last stole certain sheep off the lands of Lessudden from the feuars and possessors, whereupon the said Adam hearing thereof immediately 'braik up the said James Vair his brother his chist' and took forth thereof certain sums of money, writs and clothes, which he ought to restore as they were and be punished besides. Defender denied, pursuer referred to his oath, who deponed negative, and declared that he owed his brother only 23 s. and his brother owed him 6 l.

*Eodem die* decerns Andrew Penman in Melrose to pay to James Waughe there 2 l. 8 s. 'for the price of 7 legs of mutton' bought from Waugh at Yule last, and 4 s. for 'ane axtrie' which he took away at his own hand; defender confessed; 2 s. 6 d. expenses.

Melrose, 10 February 1666 ; James Ellies of Huntliewood,  
bailie-depute *pro tempore*.

Which day decerns John Lithead, portioner of Melrose, to pay to Gavin Elliot of Grainge 18 l. for 'certaine goods' bought from him at Martinmas last ; defender confessed ; 36 s. expenses.

Melrose, 17 February 1666 ; James Ellies.

Which day decerns William Frissell, herd in Craiksfurd, to pay to Archibald Gibsone in Birkensyde 6 l. as the worth of 2 ewes lost to him in 1665 ; referred to defender, who deferred to pursuer, who deponed affirmative ; 12 s. expenses.

*Eodem die* decerns John Davidstone in Newsteid to pay to William Denhame in Ersiltoun 11 l. contained in Ticket, 11 June 1665 ; defender confessed ; 22 s. expenses.

Melrose, 3 March 1666 ; Mr. Robert Maine.

Which day decerns William Cairncroce of Allanshawes to pay to John Watstone in Ladupmoore 6 l. 5 s. for meat and drink furnished to him, and 4 l. 5 s. for meat and drink furnished to his son Walter, which he became cautioner for ; defender absent ; 20 s. expenses.

*Eodem die* decerns William Andersone in Ridpeth to pay to George Bell there 6 l. 8 s. of borrowed money 'and for fooll' ;<sup>1</sup> defender absent ; 12 s. expenses.

*Eodem die* decerns William Forsan in Ridpeth Mill and Robert Forsan in Newsteid Mill to pay to Thomas Bowie in Melrose 50 merks each, promised by them to him as tocher good with Janet Forsan, now spouse to said Thomas Bowie ; referred to Robert's oath, who deponed affirmative ; William denied, pursuer proved it by witnesses (not

<sup>1</sup> I expect this is *fulzie*, i.e. manure, not *fuel*. It occurs under various spellings.

named); supersedes execution for William's share 'untill his death.'

Melrose, 10 March 1666; Mr. Robert Maine.

Which day decerns James Wilkiesone in Threepwood to pay to Edward Darling, portioner of Blainslie, 21 l. for seven ewes and lambs bought from him on 11 June last, to be paid at Martinmas; defender confessed; 42 s. expenses.

Melrose, 17 March 1666; Mr. Robert Maine.

Which day decerns John Davidstone in Newsteid to pay to James Waugh in Melrose 5 l. 4 s. for bear bought in May; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 10 s. expenses.

*Eodem die* decerns William Denhame, portioner of Ridpeth, to pay to Mr. John Scot of Longshaw 31 l. for 5 bolls and a 'double full' of bear bought at Martinmas last, 'of the price quherof ther was allowed to the said William 2 bolls and 2 small fulls malt to the persewer' [*sic*]; defender confessed he bought and received the said 5 bolls and double full of bear at 5 l. the boll; 3 l. expenses.

*Eodem die* decerns the following to pay to Elizabeth Strong, widow of David, Bishop of Lesmore, minister at Melrose, and executrix to him, as follows, viz., Andrew Fisher of Westerhousbyre to pay 18 l. 6 s. 8 d. for his part of the stipend of Melrose, Martinmas 1665; William Fisher, portioner of Easter Langlie, 11 l. 3 s. 4 d. for Whitsunday and Martinmas 1665; Jean Huntar there, 22 l. 6 s. 8 d. for said terms; William Cairncroce of Hilslope 11 l. 3 s. 4 d. for Martinmas 1665; James Pringle in Colmeslie 67 l. for Martinmas 1664 and Whitsunday and Martinmas 1665; Andrew Cairncroce of Wester Longlie 17 l. 3 s. 4 d. for Martinmas 1665; John Pringle of Williamlaw 31 l. 6 s. 8 d. for Whitsunday and Martinmas 1665. Defenders absent; expenses, by Andrew Fisher

40 s., by William Fisher 24 s., Jean Hunter 44 s., William Cairncroce 24 s., James Pringle 6 l., Andrew Cairncroce 34 s., and John Pringle 3 l.

*Eodem die* decerns Nicol Cairncroce of Colmeslie to pay to Thomas Watsons in Birkensyde 4 l. 8 s. as balance of price of bear bought ; defender absent ; 9 s. expenses.

Melrose, 14 April 1666 ; Mr. Robert Maine.

Which day decerns John Lithead in Melrose to pay to John Laidlaw in Danizeltoun 18 l. 10 s. for sheep and nolt bought from pursuer last Martinmas ; defender absent ; 37 s. expenses.

*Eodem die* complaint by John Maxwell, portioner of Melrose, heritable proprietor of the following tenements and yards, against James Riddell, portioner there, narrating that he has two tenements and yards in Melrose lying contiguous, between the tenement and yard of William Wallace, merchant, on the north, and the said James Riddell's tenement and yard on the south, 'and albeit by the comon law and practique of this kingdome that the south dyk or hedge doeth properlie perteane and belong to the yaird one the south syd of the samyne, and that the said William Wallace and the hail remanent neighbours hath the dyk or hedge on the south syde of their yairds, as is notarly knowen, nevertheles the said James Riddell haveing but one tenement and yaird hes most masterfullie dilapidate and taken away the stone dyke pertaining to the said John Maxwell on the south syde of his yairds and hes planted trees ther, quherby he hes appropriat to himself tua hedges or dyks haveing but one tenement and yaird, and hes left the said John non, whoe hes tuo tenements and yairds, albeit he stands heritabillie infeft and seased therin be the Earle of Hadington as his chartour and seasing therof produced beers' ; craving therefore a visitation and report by four neutral and trustworthy men. Both parties compearing, the bailie ordained each to nominate two men, and Riddell chose

Andrew Penman and James Wallace, portioners of Melrose, while Maxwell chose Adam Lythgow and Thomas Louckup, portioners there, who 'being upon the ground of the said dyk or hedge contraverted with the baillie, and being all solemlie sworne upon their great oaths fand that it is fittest to root out the forsaid dyk or hedge and thereafter to lyne and equallie pairt the samyne betwixt the saids parties, and in the mean tyme fand it fit that James Riddell his trees planted within the dyk contraverted sould be pulled up betuixt and the 15 day of March nixt to come, under the paine of 10 lib.' The bailie interpones his authority, and ordains this act to stand as an act of neighbourhood between the said parties hereafter.

*Eodem die* absolves James Vair, herd in Newtoun, from action against him and Thomas Hunter, elder, and William Maben, at the instance of Thomas Hunter, elder and younger, William Maben, portioners of Lessudden, Andrew Unes there, Alexander Jamesone there, Mungo Purves and Janet Coit, portioners there, Mungo Gibson and Agnes Paton there, narrating that said James Vair stole from them in December last as follows, viz. from said Thomas Hunter, elder, 6 sheep at 3*l.* apiece; from Thomas Hunter younger, 2 sheep at 3*l.* apiece; from William Maben 3 sheep at same price; from Andrew Uns 2 sheep at said price; from Mungo Purves 2 sheep at said price; from Janet Coit 1 sheep at 3*l.*; from Mungo Gibsone a ewe at 3*l.*; from Agnes Paton 1 sheep, 3*l.*; and had taken the guilt on him by fleeing; and seeing said Thomas Hunter, elder, owed said James 50 merks, and 3 terms' interest, and William Maben owed 50 merks, and 1 year's interest, the pursuers craved reimbursement for these debts for the above losses. Andrew Phaupe, 'fiscall,' compearing for James Vair, denied the theft of the sheep, and pursuers adduced William Ker, 'punder' in Newtoun, John Gill there, James and Adam Vair there, who all 'deponed negative,' and thereafter John Bunzie as procurator for pursuers produced a testificate signed by Thomas Wilkiesone, cordiner, burgess of Selkirk, and John Brewhous,

burgess there, 'uplifters of the customes of the horse and nolt of the said burgh, beering that they received custome from the said James Vair for fyftein sheep sold be him upon the morrow efter the Leddie day befor Yuile to William Waughe and John Cavers, burgesses of Selkirk, dated first of Februar 1666,' together with an instrument signed by Andrew Andison, notary in Selkirk, 'beiring that Mungo Gibsone in Lassudden came to the presence of William Waughe and John Cavers, burgesses of Selkirk, and fleshers there, and fand in ther custodie certaine sheep skins of severall merks belonging to sundrie persons in Lassudden, quhich the acknowledge of [*sic*] the buying of sheep upon the morrow efter the fair day before Yuile,' the instrument being dated 14 December 1665; with which productions the bailie being advised, finds they do not prove the charge; whereupon the said Andrew Phaupe as procurator fiscal of the regality took instruments and protested that the foresaid sums owing by Hunter and Maben to Vair ought to pertain to him, wherewith the bailie being advised decerns the said Thomas Hunter and William Maben to pay to the Earl of Hadington or his fiscal in his name the foresaid sums and annualrents; the said debtors confessing the same.

Melrose, 28 April 1666; Mr. Robert Maine.

Which day decerns John Troter of Easter Housbyre to pay to Andrew Fisher a certain sum (not given) for 3 bolls of bear bought by him in May last; 6 l. 12 s. for 11 lambs; 10 l. 10 s. 8 d. of lent money; 2 l. 'for 10 oxen bolls'; 14 s. 'for 8 pair shaftfts' [?]; for 'ane fork shaft' 1 l.; in all 30 l. 16 s. 8 d.; defender absent; 3 l. expenses.

*Eodem die* decerns Thomas Bowie as cautioner for Thomas Wright in Calsheells to pay to George Kirkwood, messenger in Gallowsheells, 4 l. of principal and 30 s. expenses, conform to Ticket by them to him, 21 March 1666 [*sic*]; ticket produced, defender absent.

Melrose, 12 May 1666 ; Mr. Robert Maine.

Which day decerns David Unes in Lassudden to pay to George Bald in Bowdoun 12 l. 6 s. as the balance of price of a cow bought at Michaelmas last ; defender absent ; 24 s. expenses.

*Eodem die* decerns John Young in Ersiltoun, pretended tenant and possessor 'of the cheif duelling houses and yairds quhich sometyme perteaned to John Andersone *alias* Laird ther,' lying in the town of Ridpeth, to flit and remove therefrom with his family and servants and goods, so that William Denhame, merchant in Ersilton, and his tenants and servants may enter thereto at Whitsunday 1666 ; and decerns and ordains said William Denhame to possess said John Young at same time in that little house and yard in Ridpeth lately possessed by deceased Isobel Andersone, mother of the said John Andersone ; and each to continue in possession as above until the land possessed by them is redeemed by the said John Anderson for the sums contained in their respective rights. David Denham, son of said William, and Robert Young, son of said John, as procurators for their fathers, compeared and consented thereto.

*Eodem die* decerns Agnes Haden in Westerlanglie to pay to George Pringle of Buckholme 4 l. 10 s. and an ell of linen or 10 s., an ell of harden or 6 s., a peck of oatmeal or 6 s., extending to 5 l. 12 s., as her fee from Martinmas 1665 to Whitsunday 1666, because she hired herself with him and did not enter his service ; held as confessed.

Melrose, 26 May 1666 ; Mr. Robert Maine.

Which day decerns John Troter of Easter Housbyre to pay to John Lidderdaine in Kaidslie 10 l. for a cow bought at Martinmas last ; defender absent ; 20 s. expenses.

*Eodem die* complaint by Alexander Lythgow of Dry-



grainge against all and sundry the inhabitants of Melrose, Newsteid, Galtonsyde, Ridpeth, and Danzeltoun, who daily cut, break, destroy, pull up and 'how' his greenwood, growing trees, whins, broom, heather, and junipers, on his lands of Drygrainge and Clackmae; and he asks an act of court. The bailie ordains and modifies 5 l. Scots to be paid by each of the defenders for each contravention of this act 'after cognitione be taken of the samyne.'

*Eodem die* decerns Thomas Halyburton, smith in Galtonsyd, to pay to Thomas Pringle, merchant burges of Edinburgh, 11 l. 1 s. 4 d. as balance of price of iron and other necessities bought; defender absent; 22 s. expenses.

*Eodem die* decerns Mr. Michael Wallace, portioner of Melrose, George Wallace, notary there, James Ker, elder, there, Robert Young, his son-in-law, there, John Hog, weaver, and Isobel Pringle, his mother-in-law, there, pretended tenants and occupiers, to flit from that house in Melrose called 'the Shoolhouse' with yard, and that other house and yard there sometime possessed by deceased Thomas Hill, and that house, ground, and stance thereof, sometime possessed by Mr. Robert Broun, schoolmaster there, in the town of Melrose, at Whitsunday next, 1666, and leave the same void, so that John, Earl of Hadington, and his tenants and servants may possess the same. James Ker, elder, compearing, declared he had no right to the house sometime pertaining to Mr. Robert Broun, rest of defenders absent, held as confessed.

*Eodem die* decerns Adam Darling in Westhouses to pay to George Pringle of Buckholme 5 l. as a fine for 'braiking of the said George Pringle of Buckholme his orchard and trees upon the — day of September last'; denied, pursuer proved by depositions of Gavin Patersone and William Broun, who deponed 'they saw him cast stones and stiks at the fruit trees and the fruit fall.'

Melrose, 2 June 1666 ; Mr. Robert Maine.

Which day decerns James Lithan in Galtonside to pay to Alexander Andersone in Ersiltoun 6 l. 13 s. 4 d. for several commodities furnished to him a year ago ; defender absent ; 12 s. expenses.

*Eodem die* decerns Andrew Riddell in Lessudden to pay to Andrew Ker of Kippielaw 6 l. as balance of price of bear bought a year ago ; defender absent ; 12 s. expenses.

*Eodem die* decerns James Waugh in Melrose to pay to Adam Aird in Bowdoun 3 l. 10 s. as balance of price of sheep bought last Martinmas, and 2 l. for a sack borrowed by Waugh from pursuer in 1664 to carry fruit in, which he never returned ; defender absent ; 11 s. expenses.

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to pay to Mr. John Reid and William Elliot, burgesses of Selkirk, 7 l. 3 s. consigned in his hands by Francis Scott of Galashiels as the surplus of 2 oxen appraised by the said Francis from deceased William Fisher, portioner of Der-nick, on 28 August last at 36 l. ; Wilkiesone confessed, and thereafter paid the money to Mr. John Reid, where-upon absolves.

*Eodem die* decerns all and sundry the following to pay to Hew Hamiltoun, Hew Craig, merchant burgesses of Edinburgh, and George Thomsone, messenger, executors creditors to deceased Archibald — and Mr. James Thomsone, and John Rodger, writer in Edinburgh, their factor, as follows, viz. John Anderson *alias* Laird, portioner there [*sic*], 38 l. 2 s. 6 d. for the teind duty of  $1\frac{1}{2}$  husband lands in Ridpeth possessed by him from crops 1662, 1663 and 1664 ; John Young, elder, portioner there, 8 l. 4 s. 5 d. for teind duty of a husband land in Ridpeth, crop 1665 ; William Denhame, merchant in Ersiltoun, portioner of Ridpeth, 4 l. 4 s. 9 d. for teind duty of half a husband land in Ridpeth possessed by him, crop 1665 ; defenders all present, alleged nothing in the contrary ; Anderson to

pay 5 merks, John Young 18 s., and Denhame 48 s. of expenses of plea.

Melrose, 9 June 1666 ; Mr. Robert Maine.

Which day decerns William Merser, portioner of Dernick, and Margaret Spotswood, widow there, to pay to John Mosse, elder, and Walter Ushar, portioners there, 7 l. 4 s. as their proportion of bygone feu farms and duties for four butts of land as pertinents of 4 acres of land in Dernick possessed by them preceding crop 1664, whereof Merser is to pay 4 l. 16 s., and Margaret 2 l. 8 s.; also they are to pay 3 l. 12 s. whereof Merser pays 48 s. and Margaret 24 s., for the feu farm and duties of the said butts, crops 1665 and 1666; and Merser to pay 24 s. and Margaret 12 s. for the same yearly in time coming during non-redemption of the butts of land. Pursuers compeared by David Denhame their procurator, and defenders by John Bunzie their procurator; defences repelled because of answers and duplies of pursuers; reserving action of warrandice to said William Merser against the heirs and successors of the granters of his wadset right.

*Eodem die* decerns John Andersone in Ridpeth, *alias* Laird, and Isobel Mein his half-sister, pretended tenants and occupiers, to remove from 2½ husband lands in Ridpeth, tofts, crofts, houses, and pertinents, and from 'that sext part and half sixt part of Craighouse,' houses and yards and pertinents, which sometime pertained to said John Anderson and were sold by him to William Denhame, merchant in Ersiltoun, lying in the town and territory of Ridpeth, so that Denhame and others in his name may enter to possession; Denhame producing a registered Horning at his instance against defender, which debars the latter from defending, and Isobel Mein, being absent, held as confessed; supersedes extract till Thursday next that the pursuer produce his sasine, before which time the defender should produce a suspension, failing which, decret to be extracted.

*Eodem die* decerns Mungo Donaldsone in Melrose to pay to Andrew Penman there 4 l. 6 s. 8 d. for 11 yoking of land tilling to the said Mungo at 6 s. 8 d. 'ilk one'; defender absent, pursuer deponed; 7 s. expenses.

*Eodem die* decerns Andrew Penman, portioner of Melrose, to pay to Mungo Donaldsone, portioner there, 2 l. 8 s. 'for enterteanment of his wyfe shoe being seik when he was absent,' also 2 l. 8 s. lent to himself and given to John Hog in Dryburgh for cures to his mother 'when shoe was seik, at his directione'; pursuer referred to defender's oath, who deferred to him, and pursuer deponed affirmative; 5 s. expenses.

Melrose, 16 June 1666; Mr. Robert Maine.

Which day decerns James Waugh in Melrose to pay to Janet Mein, widow there, 24 l. 3 s. 4 d. in name of his brother William Waugh, 'quherof he promised to releeff hir at his brothers hand for the maill of hir duelling house in Melros.' Defence 'that shoe promised the forsaid maill to him sence the tak,' repelled.

Melrose 23 June 1666; Mr. Robert Maine.

Which day action by James Rolmanous, younger, in Blainslie, against George Taylior, weaver, portioner there, and Thomas Darling, wright there, his son-in-law, narrating that he is in possession of a little house and yard in Blainslie 'with that peace of ground or turffe stak steid lyand befor his door and pendicls of the samyne,' lying within the town and territory of Blainslie, conform to his infettment, and his predecessors and authors dwelt therein and possessed as above, by labouring the same 'and bigging of turffes and peits upon the forsaid turfe stak steid or peace of ground as ane speciall part of the forsaid house and yaird in all tyme bygainie past memorie of man and without interruption,' until on — July last the defenders for some unknown reason came to the

said piece of ground and built a turf stack thereupon ; about which he complained to Gideon Jackson of Lochouses, then bailie-depute, who ordered Andrew Kenidie, officer, to cast down the stack and repossess the pursuer in the ground. This he did, yet the defenders came thereafter accompanied by Robert Hendersone, notary in Lauder, and cast down the pursuer's turves, and persevere still in their illegal conduct, ' tending to apply the said persewer his propertie to some particular use and comoditie of their oun,' whereas they had never right thereto before. Pursuer compearing personally, with John Bunzie his procurator, and defenders compearing, with George Wallace, notary in Melrose, their procurator, the bailie with consent of parties appointed John Pringle, John Thin, John Stirling, John Sounhous, Edward Darling, George Sheill, John Greive, and Edward Rolmanous, portioners of Blainslie, to visit the ground and report, who reported and deponed upon oath that the pursuer ' had allwayes the possessione of the forsaid turfe stak steid and was never trubled nor interrupted therin till untill Lambas last ' ; and the defenders craved that decreet might not be extracted till James Rolmanous, elder, George Davidson, and John Darling in Blainslie, and the said John Pringle and Edward Rolmanous, ' who best knew the veritie in the said mater,' were examined, who deponed ' that the said James Rolmanous persewer was allwayes in possessione of the forsaid turfe stak steid contraverted, and was never questioned therin untill Lambas last, but knowes not to whom the propertie of the ground belonged ' ; whereupon the bailie finds and declares that the defenders have done wrong in interrupting the pursuer's possession, and decerns and ordains them to desist therefrom in time coming, under a penalty of 20 l. for each contravention. [Decreet extended in full.]

*Eodem die* decerns Michael Fisher, portioner of Darnick, and Andrew Heitoun, portioners there, to pay to ' the remanent fewars of the toun of Dernick ' as follows, viz. Fisher, for his 6 acres of land called Congiltouns haugh,

7 s., and his 7 acres in Braidmidowes 1 l. 3 s. 8 d., and his acre called Bessie Reid's aiker 11 s. 10 d., and his acre called Sunysyde and Newyairds 17 s. 9 d., and that for his proportion of the first term's taxation imposed upon the lands of Darnick granted to his Majesty in August 1665; and Heitoun to pay to them 1 l. 9 s. 7 d., as his proportion thereof for his '6 aiker coatland and ane aiker called Smyths Croft'; defenders absent.

Melrose, 30 June 1666; Mr. Robert Maine.

Which day decerns William Denhame, merchant in Ersilton, to pay to James Rodger 23 l. 3 s. 4 d. as balance of price of 14 bolls of bear bought at Candlemas last; defender confessed; 26 s. expenses.

*Eodem die* decerns William Livistoun in Blainslie to pay to George Adenstoune in Chappell 3 l. as price of half a boll of malt bought at Candlemas last; defender absent; 6 s. expenses.

*Eodem die* decerns Mungo Donaldsone in Melrose to redeliver to John Davidsone in Ersiltoun a black mare worth 40 l. and a 'cotteren' worth 4 l. in as good condition as when he despoiled him thereof on 18 June, and pay 6 s. 8 d. for every day's hire of the mare, also 10 s. for meat and drink resting by him, and 10 l. of fine, and to remain in prison till he pay; defences repelled.

*Eodem die* decerns Janet Purves in Lessudden to enter to the service of James Lockie in Mertoun till Martinmas next conform to agreement, or else pay 5 l. of fee which he was to give her; defender alleged she gave him over 40 days before the term, and referred to his oath, who deponed negative, 'and denyed that ever shoe gave him over or ever his wyfe did signifie any sutch thing [to] him.'

*Eodem die* decerns Thomas Lythgow, portioner of Ridpeth, as tutor to the executors of deceased James Lythgow of Drygrange, to pay to John, Earl of Hading-

toun, 24 l. 9 s. due by said executors to James Cairncroce in Galtonsyd 'of bygaine fles,' and arreisted for a greater sum due by Cairncroce to the Earl; referred to Thomas Lythgow's oath, who confessed.

Melrose, 6 July 1666; Mr. Robert Maine.

Which day decerns George Cairncroce, servitor to John Trotter of Easter Housbyre, to deliver to John Scot in Galtonside a bed bought by him from said George on 1 June last at agreed price of 7 l. 6 s. 8 d., whereof he gave him 33 s. in earnest and was to pay to Walter Waitch 3 l. at delivery of the bed; defender absent; 12 s. expenses.

Melrose, 14 July 1666; Mr. [Robert] Maine.

Which day decerns James Gairner in Ridpeth, pretended tenant and occupier of a half husbandland in Ridpeth, to remove, and permit Jean Cairncroce, widow in Ridpeth, and John Andersone her son to enter to possession; defender denied he gave over the said land, but pursuers referred to his oath, who deferred to the oath of Jean Cairncroce, who deponed he gave over the land. 'Therefter shoe declaired that quhat grass he wanted he sould have.'

*Eodem die* decerns William Hunter in Ridpeth to pay to Margaret Maiben in Galtonsyde 4 l. 10 s. for a half year's service wrought by her to him about 6 years ago; referred to defender, who deferred to pursuer, who deponed affirmative; 12 s. expenses.

Melrose, 21 July 1666; Mr. Robert Maine.

Which day decerns Andrew Cairncroce, portioner of Ridpeth, to pay to James Rodger there 8 l. 15 s. 8 d. of borrowed money and for certain necessaries furnished by said James to him; defender confessed; 17 s. expenses.

*Eodem die* decerns James Mein in Yeildoun to pay to John Penman in Melrose 8 l. due by him to Bartholmie Mein and arreisted by said John in part payment of 16 l. principal and 5 merks of expenses in Bond, 16 December 1661, registered 28 May last, by Bartholmie Mein to him; defender absent.

Melrose, 4 August 1666; Mr. Robert Maine.

Which day decerns Alexander Lythgow of Drygrange to pay to Andrew Marr, portioner of Gattansyde, 28 l. as price of 6 bolls of oats bought at 4 l. 13 s. 4 d. the boll at Lammas 1665, payable at Michaelmas thereafter; also a four gallon barrel of ale at 10 s. 8 d. the gallon, *inde* 42 s. 8 d. Defender confessed he bought and received them at his father's direction, and thereafter denied the bargain, alleging he bought only the oats at his father's command and for the use of his father's house and that his father's executors ought to pay them; pursuer adduced as witnesses Thomas Boustoun in Galtonside, who deponed 'that they were bloking anent the oats lybelled but did not agree be 2 s. ilk boll; Thomas Mill in Drygrange, who deponed 'negative as to the barken [*sic*] making, but that he received the sex bolls oats, being sent be the defender, and old Drygrange the defenders father knew'; Janet Horsburgh, deponed 'shoe was sent be the defender to the persewer to sie gif he wold get the oats, and that they were received thereafter be the said Thomas Milne at 4 l. 12 s. ilk boll, but knew nothing of the bargain making,' John Bunzie, procurator for defender, took instruments that pursuer renounced further probation; and bailie finds by the defender's own declaration and the depositions of witnesses that the oats were delivered to the defender, so decerns, reserving action to defender against his father's executors; 3 l. expenses.

*Eodem die* decerns Robert Clark in Galtonsyde and Thomas Blaikie there to pay to Alexander Lythgow of Drygrange 5 l. each for wrongfully intromitting with and



taking away his turves and heather off his ground of Clakmae and Drygrainge, thereby contravening an act of court made on 26 May last ; defenders absent.

*Eodem die* decerns Andrew Penman in Melrose to pay to John Shillinglaw in Birkensyde 8 l. 13 s. 4 d. as agreed price of 'ane bee skep' bought from pursuer in harvest last ; defender absent ; 17 s. expenses.

*Eodem die* decerns Robert Huntar in Ridpeth enter to enter to the service of Mr. John Lythgow till Whitsunday 1667 conform to agreement made with Isobel Scot his spouse, or pay 27 l. of fee and bounty offered him ; defender absent.

*Eodem die* decerns George Hoy, eldest lawful son and heir of deceased William Hoy, portioner of Gattonside, to pay to James Ellies of Huntlywood 100 merks, a year's interest, and 10 l. of penalty, with further interest since Candlemas 1658, contained in Bond, 23 February 1657, by said deceased William Hoy to said James Ellies ; bond produced, defender absent.

*Eodem die* decerns James Mein in Wester Longlie to pay to George Pringle of Buckholme 6 l. due by him to Agnes Hadden, sometime his servitrix, and arreisted for payment of 5 l. 12 s. with 10 s. expenses in decret by said George against said Agnes, 12 May last ; Mein held as confessed, being absent.

Melrose, 8 August 1666 ; Mr. Robert Maine.

Which day decerns John Scot in Galtonsyde to accept from Andrew Mar in Galtonside 3 bolls of wheat bought from said Andrew at 11 l. the boll, *inde* 33 l., which wheat he promised to receive 'when the first wind sould blow for that effect,' and promised payment at Michaelmas next ; defender confessed, and same also proved by witnesses [not named] ; supersedes payment till Michaelmas next ; 3 l. expenses.

Melrose, 4 September 1666 ; Mr. Robert Maine.

Which day decerns 'all and sundrie the cornes, oats, and beer sown and growing upon the tua husband lands and ane halfe husband land in Ridpeth and sext pairt and half sext pairt of Craighous, cropt 1666, quhich sometyme perteaned to John Andersone ther,' to pertain now and in all time hereafter to William Denhame, merchant in Ersiltone, and ordains said John Andersone and James Rodger to desist from meddling therewith 'under the paine of 300 lib.'; reserving action of warrandice to James Rodger upon the disposition granted by Anderson to him.

Melrose, 18 September 1666 ; Mr. Robert Maine.

Which day decerns John Dabsone [? Davsone], 'calsay layer' in Melrose, to pay to Thomas Gray, officer in Smalehome, 6 l. 19 s. resting for meat and drink furnished by him to defender ; proved by witnesses ; 13 s. 4 d. expenses.

Melrose, 28 September 1666 ; Mr. Robert Maine.

Which day decerns Michael Gibsone in Lessudden 'presentlie to declare whoe it was that stoll nyne sett of pease in September last from of David Richiesone, portioner ther, his rig in Merik, or utherwayes to remaine in prisone ay and quhill he doe the samyne, or else mak payment to the said David of the pryce of the pease lybelled' ; defender denied, pursuer proved 'that the said Michaell Gibsone said that if the said David had gone west the Langlands gaite quhen he went west the bak syde he wold have mett with the last cairtfull of his peasse.'

*Eodem die* decerns George Alexander in Old Melrose to pay to Agnes Mertone, liferentrix of Old Melrose, 111 l. 2 s. 4 d. as his Martinmas maill, 1666, for the 'tua pairt' of the lands of Old Melrose possessed by him ;

defender absent; supersedes execution till Martinmas next.

Head Court, Melrose, 20<sup>1</sup> October 1666; Mr. Robert Maine.

Which day decerns George Alexander, sometime in Easter Langlie, now in Old Melrose, to pay to Andrew Smyth, burgess of Lauder, 16 l. in Ticket by said George to him, with annualrent from 11 June 1664, the day of promised payment; defender confessed; 1 l. 12 s. expenses.

*Eodem die* absolves Agnes Mertone, liferentrix of Old Melrose, from action by George Alexander, her tenant, who has a tack from her of the two-part of the town and lands of Old Melrose for 222 l. 4 s. 8 d. yearly, but who complains that after they had transacted together and were content to submit to two neutral men what duties and maills he was to pay from Whitsunday 1666 to Lammas now past, yet he being in Edinburgh she did pursue him before this court and obtained decret for the said half-year's rent. Defender denied, pursuer referred to her oath, who deponed negative 'and denyed the forsaid transactione.'

*Eodem die* decerns David Kyll, smith in Lassudden, to pay to Adam Young there 4 l. 4 s. of fee from Whitsunday 1665 to Martinmas thereafter; defender absent; 9 s. expenses.

*Eodem die* decerns Andrew Fisher of Westerhousbyre to pay to Thomas Gray in Melrose 40 s. 'of carriage wage' and 24 s. as price of a fat goose; referred to pursuer's oath, who deponed affirmative; 8 s. expenses; and absolves Thomas Gray from action by Fisher against him 'for ane rex doller alledgit closed be him in ane letter to be sent to Housebyre and lost be the said Thomas,' because Thomas deponed negative.

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<sup>1</sup> This has been altered from 6th.

*Eodem die* decerns William Anderson, portioner of Ridpeth, to pay to Andrew Cairncroce there 23 l. 3 s. resting by said William to him conform to his Ticket, 30 April 1650 [or 1660]; defender absent; 3 l. expenses.

*Eodem die* decerns Janet Sudden in Lassudden to pay to James Coitt there 22 l. 8 s. as price of corn bought from him about 12 years ago; defender absent; 42 s. expenses.

‘*Curia*, 6 October 1666.’—Compeared Andrew Ainslie, procurator for Mr. John Scot of Longshaw, heritable proprietor of the town and lands of Longshaw with the mill, mill-lands, multures, sucken, sequels, knaveship and services thereof ‘alsewell astricted as uthers,’ and produced a supplication narrating an act of court of the regality of Melrose held at Melrose by James, Commendator of the Abbey of Melrose, and John Watstone, portioner there, one of the bailies-depute of the said regality constituted by deceased Walter Scot of Braxholme, bailie principal, upon 17 January 1586, bearing that deceased George Hoppringle, brother-german of deceased James Hoppringle of Woodhous, feuar of the lands of Longshaw and mill thereof, compeared and produced an act and ordinance of court made ‘upon the first heid court fensed and holden at the Abbay of Melros the tenth day of Appryll the yeir of God j<sup>m</sup> v<sup>c</sup> and tuentie seaven yeirs’ by Andrew, Abbot Durie, Abbot of Melrose, and convent thereof, and by the bailie and his deutes of the lordship of Melroseland ‘and uthers his lands in the east pairts,’ in which court the abbot and convent and bailie ratified and confirmed all acts and statutes made ‘be his prediccursors in any tymes bygaine preceeding the said date, together with all uther statuts made and ordeaned of the new be the said reverend father beirand, *item* that no tennents, subtennents, coatters inhabitants, nor indwellers within the said lordshippe and lands, without licence asked and obtained of them that may give it, passe with any of ther cornes, ather of his owne cornes growand, or that he buyes that come once within the freedome of the mylne that he is thirled to, whither it be malt, wheat, bear or oats, to any uther mylne but

allenerlie to the mylne that he is deput ordeaned and thirled to passe to, under the paine of tynesyle of the cornes that he caryes for his oune mylne and of the horse that bears the samyne, quhilk cornes shall be the fermers of the mylne that he aught to passe to, and the horse the abbotts, and alsua the servand and officer that attatches and accusses shall have fortie pennyes of his uther goods for the executione of his office, and give any of the mylnes of the lordshippe happens throw drouth in summer or in frost that they may not gang nether to sheill nor grind, that the tennents and persones that are thirled sua long as ther oune mylne may not gang shall come with their saids cornes quhatsumever to the Abbay mylnes of Melros and ther shall grind ther cornes, under the fyne forsaid'; which act the said lord and bailie-depute foresaid found was made for the weal and behoof of the said abbacy and the mills 'within the samyne' and ratified and approved the same, and added that if the owner of the mill could not get an officer to poind conform to the tenor of the old act 'that it should be leisum to him to poynd the horse and cornes at his oune hand provyding that he bring the horse to my Lord and abbott for his unlaw, and alse it was statute and ordeaned that all myllars of the mylnes within the said regalitie sould grind the cornes of the saids tennents and inhabitants within the samyne sufficientlie and give they did otherwayes that the myllars should pay to the ouners of the cornes that hes the skaithe ther inlaik and skaithe at the sight and modificatione of tua honest men within the said regalitie or of the mans sight that hes the skaithe,' and thereupon the said George Hoppringle in name of the said James his brother and John Hoy of Colmesliehill asked acts of court. Nevertheless, the whole feuars, tenants, subtenants, liferenters, cottars, inhabitants, and possessors of the towns and lands lying within 'the forsaid respective thirledges' and astricted to the 'saids respective mylnes' not only wrongfully abstract their corn 'alsewell growing as imbrought' from the mills to which they are thirled, but in times of drought and frost abstract their corn from the abbey mills of

Melrose; so desires the bailie to interpone his authority to the two former acts of thirlage and ratify the same so that execution may pass upon defaulters. This supplication being read, compeared John Fratter in Longhaugh on behalf of the feuars of Appeltrieleaves, and John Thin, portioner of Blainslie, on behalf of the feuars of Blainslies, and opposed the ratifying of the foresaid acts as regards the feuars and inhabitants of the towns and lands of Appeltrieleaves and Blainslies, because they offered to prove by production of their charters that they were infeft 'with mylnes and multurs' since the date of the said acts and consequently were not astricted or thirled to any mill; but the pursuer opponed the foresaid acts which still stand in full force unreduced and in terms whereof the inhabitants of Appeltrieleaves and Blainslies have beyond memory of man brought their corn to the mill of Longshaw and paid multure therefor. The bailie having considered the reasons and debates finds the foresaid acts to stand valid and ratifies and confirms the same, but supersedes extracting till 20 October instant against the foresaid defenders, who may produce writs till that date which shall be received and considered; but that day having come, and the said John Frater and John Thin producing nothing 'quhich anywayes could infringe or elied the forsaid acts of thirledge,' John Bunzie, procurator for Mr. John Scot of Longshaw, took instruments and protested that the defenders had succumbed in probation, and craved extracting, which the bailie allowed. '(Nota.—The extract heirop is dated the sext of October.)'

Melrose, 17<sup>1</sup> October 1666; Mr. Robert Maine.

Which day decerns Robert Cochrane in Lessudden to pay to George Bulman, portioner there, 6 l. 13 s. 4 d. as price of 6 firlots of oats wrongfully spoiled and taken away by said Robert from him off his lands in Lessudden, crop 1665; defences repelled; 13 s. 4 d. expenses.

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<sup>1</sup> *Sic.* Probably correct, but out of order.

*Eodem die* decerns John Lithehead to pay to Andrew Penman 6 l. as price of 3 sheep bought in 1665, also 18 s. of borrowed money, also 20 s. 'for tua dayes and a half wright trade,' also 4 s. for 'ane sheeppe skine,' and 6 s. for a peck of oats lent by him to his wife, being in all 8 l. 8 s.; referred to defender, who deferred to pursuer, who deponed affirmative; 17 s. expenses.

*Eodem die* decerns William Livingstone in Blainslie to pay to John Thin, portioner there, 18 s. borrowed, and 3 l. for 'ane soumes grasse of sheip'; defender absent; 6 s. expenses.

Melrose, 3 November 1666; Mr. Robert Maine.

Which day decerns William Notman in Colmeslie to pay to William Williamsone in Galashiels 8 l. contained in a Ticket; defender absent; 16 s. expenses.

Melrose, 10 November 1666; Mr. Robert Maine.

Which day compeared Robert Mein and John Vair for themselves and the rest of the feuars of Eildoune, Adam Lythgow and William Wallace for themselves and the rest of the feuars of Melrose, Michael Fisher and Andrew Chisholme for themselves and the rest of the feuars of Darnick, George Hounam for himself and the rest of the feuars of Bridgend, William Bell and Andrew Mar for themselves and the rest of the feuars of Galtonsyde and Westhouses, and James Patersone for himself and in name of the rentallers of Danyeltone, and gave in supplication narrating and citing Act 17, Session 5, 3d Parliament of King Charles I. entitled 'Act for founding of skoolls in everie parochie,' dated 2 February 1646, and that notwithstanding the stipulations of the said act, William Edgar, portioner of Melrose, John Mylne, portioner of Newtoun, Robert Mein, portioner of Galtonsyde, and Robert Trotter, portioner of Newstead, and other pretended stent masters,

without appointment by heritors or presbytery, met and laid down a stent roll upon the heritors and feuars of the parish of Melrose; and though the petitioners are willing to pay their proportions of the schoolmaster's stipend conform to the Act of Parliament and their valued rents and an act of this court, 19 November 1664, yet Mr. John Waughe, present schoolmaster, wrongfully refuses to accept of their due proportions, so they crave the foresaid 'indirect stent roll' to be declared null and void, and that they and the rest of the feuars of the towns of Melroseland be decerned to pay to the schoolmaster at Melrose present and to come their just proportions conform to valued rent and the Act of Parliament. This being read, the bailie appointed 'tua men of everie toune' to meet on Thursday next and set down a stent roll upon the said towns for payment of the schoolmaster's stipend; who having met appointed the following stent roll, as follows: 'Roll of the skooll masters stent, to be payed by the townes of Melroseland efter named conforme to ther old valuationes, viz. the toune of Newtoun 2 l. 18 s. 10 d., Eildoun 1 l. 17 s. 6 d., Newsteid 5 l. 6 s. 2 d., Melrose 3 l. 7 s. 3 d., Darnick and Bridgend 4 l. 17 s. 7 d., Galtonesyde and West-houses 5 l. 5 s. 4 d., Appelltrieleaves and Longhaugh 3 l. 11 s. 4 d., Threappewood and Newhouses 2 l. 19 s. 8 d., Blainslies 11 l. 15 s., Danyeltone 11 s. 2 d., extending in the haille to the soume of 42 l. 9 s. 10 d.,' which they produced on 3 November, when John Bunzie, for the town of Newsteid, desired inspection thereof to object against the same, and the bailie ordained him and all others concerned to see and answer against next court. This day compeared said John Bunzie for Newsteid and John Thin for Blainslies and alleged that the act desired by the supplicants could not be granted because 'the gentlemen was not conveyined,' who answered that 'they compleane not upon the gentlemen'; thereafter all agreed that the said new stent should hold good for the stipend 1666 and henceforth, and that they should subscribe a stent roll to the schoolmaster conform thereto. '*Sic subscribitur*, Andro Chisholme, Andro Mar, Jo. Bunzie, John Vair,



John Thin, Andro Phaupe, Thomas Wilkiesone for Nicoll Cochrane.' The bailie interpones his authority thereto.

*Eodem die* decerns Andrew Riddell in Lessudden to pay to James Walker 16 l. as price of 4 bolls of oats bought from him about 2 years ago ; defender absent, pursuer deponed ; 32 s. expenses.

Melrose, 10 December 1666 ; Mr. Robert Maine.

Which day decerns Alexander Lythgow of Drygrange to pay to John Ramsay, 'pewderer,' burgess of Edinburgh, 6 l. 18 s. as price of 'certaine peuder vessell' bought from him about a year ago ; defences repelled, and pursuer referred to defender's oath, who confessed he bargained with the pursuer and promised payment ; reserves action to defender against his father's executors for repetition ; 14 s. expenses.

Melrose, 15 December 1666 ; Mr. Robert Maine.

Which day decerns John Leitheid in Melrose to pay to Thomas Law there 30 s. as price of 30 loads of muck bought about a year ago, and 58 s. received by said John's wife from said Thomas 'to change,' which she still retained ; referred to defender's oath, absent ; 9 s. expenses.

*Eodem die* decerns Alexander Lythgow of Drygrange to pay to Elizabeth Strang, widow of David, Bishop of Lismore, 27 l. Scots borrowed by deceased Helen Hay his mother from said Elizabeth, and whereof the said Alexander, her son, promised payment since her decease, and accordingly delivered 'twa stone of oull' in part payment ; defences repelled, referred to defender's oath, who refused to depone, being minor, and thereupon took instruments ; held as confessed ; 54 s. expenses.

Melrose, 22 December 1666 ; Mr. Robert Maine.

Which day decerns Sara Vaitch in Galtonsyde to pay to Isobel Scot, wife of Robert Ker of Faldounsyde, 5 l of

fee, 12 s. for an ell of ' lining,' 6 s. 8 d. for an ell of harden, and 1 l. 10 s. for a pair of shoes, extending to 7 l. 9 s. 4 d. of fee, from Martinmas 1666 to Whitsunday 1667, or otherwise to enter to her service within 8 days; defences repelled; 11 s. [*or* 14 s.] expenses.

*Eodem die* decerns the feuars of Melroseland to pay to Mr. John Waughe, schoolmaster, their proportions of his stipend, 1666, as follows: John Mylne and Nicol —, portioners of Newtoun, for the rest of the feuars, 2 l. 18 s. 10 d.; John Vair and Robert Mein for the rest of the feuars of Eildoune, 2 [*sic*] l. 17 s. 6 d.; Andrew Mein, portioner of Newsteid, for the rest of the feuars, 5 l. 6 s. 2 d.; Andrew Mar and William Bell, for rest of feuars of Galtonsyde and Westhouses, 5 l. 5 s. 4 d.; Michael Fisher and Andrew Chisholme, for rest of feuars of Darnick, 4 l. 6 s. 3 d.; George Hownam for rest of feuars of Bridgend, 11 s. 4 d.; Adam Lythgow and William Wallace, for rest of feuars of Melrose, 3 l. 7 s. 3 d.; Andrew Darling and William Wilsone, for rest of feuars of Appeltreleaves and Longhaugh, 3 l. 11 s. 4 d.; James Mossie and John Lythgow, for rest of feuars of Threipwood, 2 l. 19 s. 8 d.; John Thin and John Stirling, for rest of feuars of Blainslies, 11 l. 15 s.; James Paterson, for rest of the rentallers in Danyeltone, 11 s. [*sic*]; extending in all to 42 l. 9 s. 10 d.; and decerns Alexander Lythgow of Drygrange to pay 3 l., with 6 s. expenses of plea; Andrew Cairncroce of Colmeslie, 4 l. 6 s. 8 d., with 9 s. expenses; Andrew Cairncroce of Wester Langlie, Wouplaw and Newtoun Mylne, 4 l. 6 s. 8 d., and 9 s. expenses; William Cairncroce of Allanshawes, 2 l. 8 s., with 5 s. expenses; John Trotter of Easter Housebyre, 1 l. 4 s. with 3 s. expenses; Andrew Fisher of Wester Housebyre, 3 l. 6 s. 8 d., with 7 s. expenses; John Pringle of Williamlaw, 3 l. 6 s. 8 d., with 7 s. expenses; William Cairncroce of Hilslope, 4 l. 4 s. with 8 s. expenses; Mr. William Wallace of Hagburne, 5 l. 10 s., with 11 s. expenses; William Fisher and Thomas Bell of Easter Langlie, 1 l. 10 s., with 3 s. expenses; Agnes Mertone, liferentrix of Old Melrose,

1 l. 13 s. 4 d., with 3 s. expenses ; as their proportions of the schoolmaster's stipend for Whitsunday and Martinmas 1666. The towns all present confessed, the rest absent held as confessed, except Andrew Fisher, who declared he would pay conform to the old stent roll, not the new ; schoolmaster opposed the stent roll, and the bailie repels Fisher's 'allegeance.'

*Eodem die* decerns John Sounhous, portioner of Blainslie, to pay to George Turner in Carrelysyde 29 l. Scots conform to Ticket, 16 July last ; defences repelled ; 3 l. expenses.

*Eodem die* decerns William and Robert Laidlaw in Allanshawes, and William Cairncroce, their master, for his interest, to pay to George Wallace, notary in Melrose, 20 l. of principal and 5 merks of expenses due by said William Cairncroce to him by Bond, 17 August 1663, registered 13 February 1666, whereupon said George arreisted 40 l. in hands of said defenders as due by them to Cairncroce ; defenders confessed 'that aither of them was resting alse mutch to the said William Cairncroce as wold pay the debt.'

Melrose, 5 February 1667 ; Mr. Robert Mainie.

Which day absolves William Cranstone of the Rone from action by William Denhame for 16 l. due by ticket, 2 March 1666, and 6 l. 'sett down on the end of the said ticket, as the agreed price of certaine merchand waire' bought from pursuer about a year ago ; because defender and John Bunzie his procurator produced a discharge, 13 May 1666, by pursuer to defender for all bygones. The pursuer (being minor) alleged that the discharge was vitiated in the date, but defender, to whose oath he referred, deponed neither he nor any to his knowledge had tampered therewith, and so his procurator deponed ; and defender also deponed negative as to the items in the unsubscribed account, while pursuer denied that the discharge produced was that of the subscribed account.

*Eodem die* decerns John Gibsone in Melrose to pay to Thomas Bell there 51 s. as balance of price of 3 ells of 'gray,' at 35 s. the ell, bought by David Gibsone from the pursuer and for which the said John became cautioner; referred to defender's oath, who deferred to pursuer, who deponed affirmative; 4 s. expenses.

*Eodem die* decerns John Davidsons in Newsteid to pay to Agnes Middelmist, widow there, 7 l. 10 s. for ale 'and drink' received from her a year ago; defender absent; 15 s. expenses.

*Eodem die* decerns John Lowrie in Eildoun to pay to James Mein in Newsteid 6 l. as price of a 'quey' bought from pursuer about 5 years ago, and 12 s. for a quarter of wool; referred to defender, who deferred to pursuer, who deponed affirmative; 6 s. 8 d. expenses.

Melrose, 9 February 1667; Mr. Robert Mainie.

Which day decerns William Maben, Katherine Riddell, and Andrew Riddell, indwellers in Lessudden to pay and deliver to David, Lord Cardross, and Janet and Margaret Duncanson, executors to deceased Andrew Duncanson, minister at St. Boswells, their father, certain victual (as follows) due by them of ferme bear, crop 1666, to Patrick Riddell their master, and arreisted for satisfaction of 86 l. of principal and 8 merks of expenses in decret by pursuers, 7 August 1666, before the sheriff of Roxburgh, against said Andrew [*sic*] Riddell; viz. Maben, 3 bolls of bear; Katherine Riddell, 3 bolls and 4 'mikle fulls'; Andrew Riddell 3 bolls. Katherine Riddell confessed, rest absent.

*Eodem die* complaint by Andrew Mar, portioner of Galtonside, against all and sundry the feuars and inhabitants there, narrating act of court, 14 February 1646, obtained by his deceased father James Mar against the same, that none should make common road or passage through his meadow and park in Galtonside where none

had been before, under penalty of 40 s., and should not cut or remove any trees, broom, etc., growing within or about the said park dykes, under penalty of 5 l. ; yet they daily and nightly contravene this act and commit these offences, to his prejudice. He craves renewal of the act in his favour ; which the bailie accordingly grants and decerns, under above penalties.

Melrose, 16 February 1667 ; Mr. Robert Maine.

Which day decerns Nicol Bowar in Eildon to pay to George Merser, 'Laird,' portioner of Darnick, 40 s. of bygone annualrent of 100 merks due by defender to Helen Ushar, 'spous to the said defender' [*sic*] ; defender confessed. Absolves from 16 s. claimed by Merser, because, being referred to defender's oath, he deferred to pursuer, who refused to depone ; 4 s. expenses.

*Eodem die* decerns Robert Cochrane in Lessudden to pay to George Bulman there 8 l. as price of 'sex stouks of bear being ane boll of bear' pertaining to pursuer, growing on a rig of land in Lessudden in which he stands infest, spoiled and taken away by the defender off the said rig ; defences repelled, defender ordered to produce alleged suspension of the first decreet of removing, but failed so to do ; reserving the corn spoiled to the bailie's modification, who modified the same to 'three meikle fulls beir with the fodder to three pounds 8 s. Scots.'

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to Andrew Wallace, weaver there, 30 s. as cautioner for James Wauch 3 or 4 years ago ; defender absent ; 3 s. expenses.

Melrose, 2 March 1667 ; Mr. Robert Maine.

Which day decerns John Lytheheid, portioner of Melrose, to pay to John Penman, portioner there, a certain sum [unfilled in] modified as of two ash trees and one plum tree

cut by defender in the pursuer's yard in Melrose; and to pay 10 merks to James [*sic*] Edgar, fiscal, as a fine for cutting the trees without pursuer's license; because bailie ordained Adam Lythgow, Andrew Cuik, James Wallace and William Edgar, portioners of Melrose, to visit and report, who found the trees cut and taken away.

*Eodem die* complaint by Robert Pringle of Blindlie against all and sundry the feuars and inhabitants of Galtonsyde and Westhouses, who daily cut and destroy his young timber and trees growing 'within and upon the ground of his lands of Westhouses,' and cut and remove the broom in the said lands. The bailie ordains and decerns the said persons to desist therefrom under penalty of 20 l. for each tree cut, conform to Act of Parliament, and 5 l. each time they are found cutting broom without the owner's licence.

Melrose, 9 March 1667; Mr. Robert Mainie.

Which day decerns John Sounhous, portioner of Blainslie, and William Greive in Braidwoodshiell to pay to Mr. John Scot of Longshaw, the former 40 l. 11 s. for the teind of his lands in Blainslie, crop 1666, and the latter 19 l. 13 s. 4 d. for teind of the lands of Braidwoodsheill and for carriages thereof, said crop; defenders absent.

*Eodem die* decerns John Maxwell in Melrose to pay to Grizel Scot, widow of John Fischer of Old Melrose, 11 l. as price of 5 'toops' bought from pursuer at Michaelmas last; defender confessed 10 l., and remaining 1 l. referred to his oath, who refused to depone; 22 s. expenses.

*Eodem die* decerns John Davidstone in Ersiltoune to pay to Helen Wauche, wife of James Edgar, younger, in Melrose, 10 l. 10 s. for the 'arlse' of certain bear bought by the pursuer from the defender; referred to defender, absent; 20 s. expenses.

*Eodem die* absolves James Moffett in Easter Langlie

from action by William Fischer, portioner there, against him 'anent the plewing and breaking of tua severall shotts of land of Eister Langlie pertaining to Thomas Bell, master to the said defendar and the said persewar, to his prejudice.' The bailie ordained James Boustoune in Galtonsyde, Robert Freir there, John Halywall there, and Andrew Mar there, to visit the shotts and report, who reported on 18 February 1667 'that they part ther lie land quhen it lyes out ane yeir with consent of ther nightbours, bot for the Eister Langlie nightbourheid they know nothing of it.' The bailie ordains William Fisher to plough as much land as the defender has done, and thereafter to part it equally between them, within 14 days hereafter, otherwise Moffit to be absolved, and 'heirby absolves him from the samen incaice the said persewar teill not the said land within the forsaid space.'

*Eodem die* decerns Andrew Heitoune, portioner of Darnick, to pay in following manner 20 merks owing by him to deceased Thomas Wright in Caldsheills, viz. to Thomas Bowie in Melrose as cautioner to George Kirkwood for the said Thomas Wright, 5 l. 10 s.; to Andrew Phaupe and Andrew Kennedie for their jailor wages when 'he was in prisone,' 4 l.; to John Bunzie, 12 s.; to Andrew Messer, 'Baitsheill,' in Darnick, 2 l.; defender confessed.

Melrose, 16 March 1667; Mr. Robert Maine.

Which day decerns William Fischer in Newsteid to pay to Thomas Cochrane in Newtoun 2 l. 8 s. as price of a 'bor of iron' taken by defender out of James Mylne's dwelling house in Melrose; defender absent; 5 s. expenses.

*Eodem die* decerns Agnes Mertone, widow of William Fischer of M'Quirrie, to pay to James Mertone, tailor in Melrose, either of 21 threaves of bear straw 'with the calfe' or 6 s. 8 d. per threave, and of 10 threaves of oat-straw or 4 s. per threave, 'shorne be the said James

Mertone to the said Agnes for the straw therof at Lambas last ; also a small full of bear, or 9 s. ; defender confessed.

Melrose, 23 March 1667 ; Mr. Robert Maine.

Which day decerns Mark Blaikie in Melrose to pay to George Hoy in Galtonside 'ane boll of bear' bought from deceased William Hoy, his father ; defender confessed.

*Eodem die* decerns Michael Fischer and Andrew Heitoun, portioners of Darnick, to pay to the burlawmen of Darnick, present and to come, the former 16 s. 11 d. effeiring to his free rent of 110 merks, and the latter 7 s. 7 d. effeiring to his free rent of 36 l., as their proportions of the supply granted to his Majesty in January last, and all other public burdens already or to be imposed, and for relief of the town of Darnick ; defenders absent.

Melrose, 30 March 1667 ; Mr. Robert Maine.

Which day decerns John Lowrie, sometime in New-toune, now in Eildoune, to pay to George Freir, son of William Freir in Gallowsheills, 11 l. 10 s. for 10 lambs spoiled and taken by defender from pursuer in July 1664, with the 'oull' thereof 'for the space of tua yeirs' ; proved by witnesses [not named] ; 22 s. expenses.

*Eodem die* decerns William Fischer, portioner of Newsteid, to pay to Thomas Wood in Ersiltone 4 l. for 'plewing, mucking, and harrowing of tua riggs of land in Ersiltone' 4 years ago ; referred to defender's oath, who deferred to pursuer, who deponed affirmative ; 8 s. expenses.

Melrose, 20 April 1667 ; Mr. Robert [Maine] of Lochwood.

Which day decerns John Lytheheid, portioner of Melrose, to pay to Robert Home, servitor to Sir Gideon



Scot of Haychester, 14 l. 14 s. as price of a cow bought from pursuer about 3 years ago ; defender confessed ; 28 s. expenses.

Melrose, 27 April 1667 ; Mr. Robert Maine.

Which day decerns George Hoy, son of deceased William Hoy, portioner of Galtonsyde, to pay to William Broun in Fans 32 l. borrowed by defunct from pursuer 6 or 7 years ago ; defender confessed promising payment last 'Fasten even,' but alleged that pursuer undertook to supersede and continue the payment for a year provided the defender would give him a boll of oats and a threave of straw ; but defender succumbed in proving this ; expenses 3 l. 4 s

Melrose, 4 May 1667 ; Mr. Robert Maine.

Which day decerns Robert Pringle of Blindlie to pay to James Blaikie, Robert Broun, and Gavin Patersone 30 l. 13 s. 4 d. for 'wood and trees' bought from pursuers at Candlemas last, to be paid at midsummer thereafter ; defender alleged the pursuers 'ware content to tak for satisfacione of the timber lybellit what contrabutione they could have fra the toune of Gallowsheills to the bridge of Elwond bigging, or at least from and out of that waidger betuixt William and John Wilsones' ; but he succumbed in probation. Ordains pursuers to find caution to answer defender as law will, who found Andrew Darling, portioner of Appeltrieleaves, cautioner ; and thereafter John Bunzie, procurator for defender, referred the claim to pursuers' oaths, who deponed affirmative ; 3 l. expenses.

*Eodem die* decerns James Moffitt in Threipwood to pay to John Bunzie, portioner of Newsteid, 45 l. 7 s. 5 d. paid by William Moffitt, portioner there, to the Earl of Had-dington and his chamberlains of the feu-duty for the said James Moffit's lands in Threepwood before James disposed them to him, by which disposition the defender was

bound to relieve the said William of bygone feu-duties ; which debt William Moffit assigned to pursuer, 3 January 1667. Defender absent ; 4 l. expenses.

*Eodem die* decerns Andrew Darling, portioner of Appeltrieleaves, as cautioner for deceased Margaret Darling there, to pay to William Williamsone in Galashiels 38 l. 6 s. 8 d. as balance of 45 l. due for oats bought by her from pursuer about 5 years ago, and payment promised at Martinmas thereafter. Defender denied ever becoming cautioner, and suppose he had, offered to prove that pursuer had made a new transaction with deceased George Bell, portioner of Ridpeth, for the said sum and had received 20 threaves of straw in part payment, and taken Bell's promise for the remainder ; which defender referred to Williamson's oath, who confessed he had received 6 l. 14 s., and there was 38 l. 6 s. 8 d. yet resting, and deferred to defender's oath, who ' not only refused to depone upon the verritie of the forsaid exceptione proposed be him but also acknowledged and confest judiciallie that he became cautioner for the said umquhill Margaret Darling to the said William Williamsone, persewer, and promitted payment in maner and at the tyme above lybelled.' 3 l. 16 s. expenses.

Melrose, 11 May 1667 ; Mr. Robert Maine.

Which day decerns John Hardie in Craiksfurd to pay to Alexander Andersone, merchant in Ersiltone, 3 l. 15 s. 8 d. borrowed from pursuer at several times ; defender absent ; 7 s. expenses.

*Eodem die* decerns John and George Turner in Calfehill to pay to Andrew Thomsone, portioner of Appeltrieleaves, 6 l. 10 s. for 26 ' stouks ' of oats eaten and destroyed by their cattle ; referred to defenders, who were absent ; 12 s. expenses.

*Eodem die* decerns George Hownam in Darnick to pay to James Wallace, son of William Wallace, weaver in Melrose, 36 s. as balance of 2 l. 18 s. for a fee wrought for by

pursuer to defender, and an ell of 'gray,' or 20 s., and a sark, or 16 s. 6 d., extending in all to 3 l. 12 s.; defender confessed. As to other 20 s. claimed, defender denied, and William Wallace, the pursuer's father, referred same to defender's oath, who deferred to pursuer, who refused to depone; absolves. 7 s. 6 d. expenses.

Melrose, 18 May 1667; Mr. Robert Maine.

Which day absolves Isobel Smyth, servitrix to Nicol Merser in Longshaw, as intromitter with goods and gear of deceased William Smyth in Mosehouses, from action by George Hounam in Darnick, narrating Bond, 28 April 1639[?], by said deceased William Smyth to him for 36 l., of which he received only 20 l. 6 s. and so there rested 14 l. 14 s. which defender ought to pay. Pursuer compearing with George Wallace, his procurator, and defender, compearing with John Bunzie, her procurator, pursuer adduced as witnesses James Smyth, Walter Eillies, and Nicol Messer, whose depositions the bailie found did not prove defender's intromission with the debtor's goods, so absolves.

*Eodem die* decerns John Scot, portioner of Galtonside, either to deliver up a Bond granted by James Patersone in Westhouses and deceased Marion Darling his spouse to him for 20 l., or a discharge thereof, to said James Paterson, pursuer; defender confessed the 20 l. was paid, but alleged there was 27 l. contained in the Bond (which was lost), and the loss of the bond being referred to him, deponed positively, and the amount being referred to pursuer's oath, he deponed there was only 20 l., which with annualrents thereof he paid, so absolves him.

*Eodem die* decerns Thomas Bell, portioner of Eister Langlie, to pay to William Fischer, portioner there, 50 s. 'as for the exchange of ane yaird dyk and peice of ground changed be the said defender with the said persewer in February 1665'; defender's mother compeared and confessed; 5 s. expenses.

Melrose, 20 May 1667 ; Mr. Robert Maine.

Which day decerns all and sundry the following weavers to pay to James Edgar, procurator fiscal of the regality of Melrose, and discoverer of the faults underwritten, '400 l. Scots for tuentie transgressioness committed be ilk ane of the forsaidis weivars of the act of Parliament [Cap. 43, Parliament 1 King Charles II., dated 5 January 1661] for weiving lining cloath within ane ell and tuo inches broad above ten shilling price ' since 1st November 1661, and to remain 14 days in prison ; they having confessed and come in the bailie's will ; viz. John Bell, James Burne, Thomas Bell, Andrew Wallace, John Bowar, William Wallace, Adam Lythgow, Robert Mar, George Sheill, William Messer, John Hog, weavers in Melrose ; James Patersone, William Andersone, Thomas Drumond, James Eilleis, ' Walkeraw,' weavers in Danzelton ; John Bunzie, Robert Riddell, James Bunzie, George and James Mein, Andrew Mein, James Bunzie [*sic*], weavers in Newsteid ; Andrew Hownam, George Hounam, George Uschar William Walker, John Drumond, Walter Vair, William Greirsonne, John Heitoun, Andrew Drumond, weavers in Darnick ; John Messer, John Drumond, Andrew Boustoun, weavers in Bridgend ; Robert Law, Robert Lande [*sic*], William Wilsone, weavers in Longhauch ; Nicol Messer in Longshaw ; John Halywall 'Croce,' Henry Mylds, Thomas Mylds, Thomas Halywall, Robert Mylds 'Touneheid,' John Halywall 'Fair,' William Boustounne, Robert Mylds, James Patersone, weavers in Galtonsyde ; John Winter in Ridpeth ; John Chisholme and Alexander Sheill in Craiksfurde ; Andrew Halywall in Clackmae ; James Mylne in Eildoune ; John Thomsone, John Jamesone, Walter Patoun, John Cochrane, Mark Pursill, James Purves, and Andrew Uns, in Lessudden. The following are absolved, compearing and deponing negative, viz. Thomas Law, weaver in Melrose, James Robsone in Newsteid, George Messer, William Turnbull, George Tayliore in Blainslie, James Edmestone, Robert Stirling in Blainslie, John Scot in Galtonsyde.

Melrose, 8 June 1667 ; Mr. Robert Maine.

Which day decerns John Maxwell, merchant in Melrose, to pay to John Taite, merchant burgess of Edinburgh, 30 l. for merchandice bought from pursuer about 2 years ago ; defender confessed ; 3 l. expenses.

*Eodem die* complaint by James Edgar, elder, portioner of Melrose, against Andrew Penman and Adam Lythgow, portioners of Melrose, for themselves and in name of the rest of the feuars and inhabitants of Melrose and Danzeltone, who daily pasture on his ' cornes and grass growing upon the said persewer his lands of halff of Bowarsbraes and Threearkers lyand nixt adjacent therto,' and make common roads and passages through the same with their beasts, pull up and remove his broom, and daily lead their ' fuill ' to their lands of Danzeltone through the same. The bailie appointed John Mein, maltman in Newsteid, William Bell, portioner of Gattonsyde, Andrew Chisholme, and John Mosse, younger, to visit and report, and by their report dated at Melrose, 29 May 1667, they narrate that they passed ' upon a peice of ground called Bowarsbrae appertaining to James Edgar in Melros, and wee finding it to be ane aiker belonging to the Annay, in respect it payes few dewtie and uther burdeanes with the Annay, and therfor according to our judgement wee think that ther should be no passage to be throw that peice of ground.' The bailie therefore ordains the defenders ' to forbear heirefter the wayes and passages lybellit and from holling up or awaytakeing the forsaid broom,' under pain of 6 s. 8 d. for each offence.

*Eodem die* absolves William Greive in Blainslie from action by James Edgar, fiscal, and by Andrew Mar, and Robert Laidlaw, portioner of Blainslie, against him for breaking and tilling ' fower furs of ane balk pertaining to the said parties greiyed in that pairt in Blainslie called Murdalie,' for which he ought to be fined conform to act of Parliament. Defender confessed he did the same by his master's directions, but pursuers alleged he ploughed

the same since the decease of James Donaldsone, his master, which being referred to defender's oath, deponed negative.

*Eodem die* decerns Janet Sheill in Melrose, widow of James Eillies 'Litle,' portioner there, to permit Margaret Elliot, widow in Danzeltone, and James Patersone her son there, 'to posses ane half soumes grasse in the Harlieburne pertaining to ane aiker ther possess be them'; because Adam Lythgow, Andrew Cuik, Andrew Louckup and Thomas Bight, deponed 'that the saids defenders ware possessione [*sic*]' about 2 years ago.

Melrose, 22 June 1667; Mr. Robert Maine.

Which day decerns Thomas Wilkiesone, clerk of Melrose, to deliver up to Michael Gibsone the Submission and Decreet arbitral between said Michael and James Mertone, tailor in Melrose, or the extract thereof; because Mertone having alleged that the decret was not pronounced by George Wallace and John Bell, arbiters, and John Ker, oversman, till the term assigned in the Submission had expired, the said arbiters, to whom he referred, deponed that it was pronounced on last day of February, within the term assigned, and then with consent of the submitters 'maide the first day of Marche and sua marked in the margine and both subscryving,' and the bailie repels defences, eiks, duply, quadruply and sextuply in respect of pursuer's answers, replies, triplies and quintuples; and John Kar, portioner of Melrose, oversman, compeared next court and deponed that Mertone got compensation and allowance of what he claimed of Michael Gibsone before sentence and decret arbitral was pronounced.

*Eodem die* complaint by Janet Mein, widow in Melrose, against the inhabitants of Melrose, narrating that Adam Lythgow, weaver there, Walter Kyll, William Wallace, weaver there, John Litheheid, and James Milne, indweller there, and other inhabitants, daily oppress her by 'breaking doune of the Maltesburnedyk, and by eating and

destroying of her corne and making hiewayes and passages throw her cornes and grass growing on the East yairds of Melros.' The bailie ordains the pursuer 'to put up the dyk sufficientlie, and that quhosoever shall break the same doune and neglect to put the samen imediatlie [*sic*] shall pay to the said Jennet Mein persewer 6 s. 8 d. for ilk fault.'

Melrose, 29 June 1667 ; Mr. Robert Maine.

Which day absolves Andrew Mar and Robert Laidlaw, portioner of Blainslie, from action by Helen Donaldsone, lawful daughter of deceased James Donaldsone, portioner there, and her tutors for their interest, 'anent the setting doune of marche stones at their owne hands upon ane back and rig contraverted betwixt the said persewer and defender'; for the bailie appointed Edward Darling, John Thin, George Sheill and Edward Rolmanous, to visit and report, and the first two deponed they knew nothing of the balk controverted, and the other two deponed positively 'that these fourtie yeirs the balk contraverted pertained to Elsie Hall and his successors.' Pursuer failed to prove that the balk belonged to her; so bailie absolves defenders, and ordains the said march stones 'to be sett doune quher they ware.'

Melrose, 6 July 1667 ; Mr. Robert Maine.

Which day decerns William Laidlaw, now in Wouplaw, to pay to James Haistie in Eildoune 4 l. 10 s. with 8 s. 6 d. expenses, due by Laidlaw to William Cairncroce of Allaneshawes, arreisted in his hands for the like sums, principal and expenses, due by Cairncroce to the pursuer; defender absent, held as confessed.

*Eodem die* decerns William Notman in Mosehouses to pay to John Ker, servitor to John Kar, portioner of Melrose, 40 s. due by Notman to Andrew Fischer, who empowered Ker to receive the money; defender absent; 4 s. expenses.

Melrose, 13 July 1667 ; Mr. Robert Maine.

Which day decerns Andrew Darling, portioner of Appeltrieleaves, to pay to Janet Anderson in Williamlaw 9 l. for a fee for service wrought to defender's deceased father about 10 years ago ; defences repelled, and pursuer produced decreet by Gideon Jackson, bailie-depute of regality, against defender at her instance for 8 l. 12 s. principal and 17 s. expenses, to which bailie interpones authority ; 18 s. expenses.

*Eodem die* action at instance of Nicol Cochrane, portioner of Newtoun, against Janet Cochrane, wife of John Wintrobe, portioner there, and said John for his interest, narrating that said Janet, and Agnes, and Bessie Cochrane, the three lawful daughters of deceased Alexander Cochrane there, became heirs portioners to their father in three quarters of a husband land in Newtoun, and the said Nicol acquired the parts belonging to said Agnes and Bessie, and was warned by said Janet Cochrane and her spouse to remove from the latter's quarter at Whitsunday last, which he is willing to obey, but 'in regaird he bruiks the saids three quarters of land *pro indiviso* and cannot know quhat to remove from until sutch tyme that the samyne be equallie devyded in three parts and proportions,' he seeks that this may be done. Charge having been given to said Janet and her spouse to compear and hear and see 15 honest men 'most unsuspect and whoe best knowes the veritie in the said matter' appointed by the bailie to visit the said three quarters of land and divide the same 'and to cast cutt and cavell for quich of the said three quarters of land belongs to the said Jenet Cochrane and her spous for his entres, defendars,' the pursuer compeared, with John Bunzie his procurator, and defenders compeared, with George Wallace their procurator, and the bailie appointed John Mylne, portioner of Newtoun, Mungo Mylne, and Thomas Mylne, John Mylne, hostler, William Ker, John Riddell, Thomas Gill there, John Mein, maltman in Newsteid, William Fischer and James Messer there, Thomas Laidlaw in



Newtoun, William Laidlaw there, Thomas Stenhous there, Thomas Louckup, wright in Melrose, and Robert Mein, mason in Galtonsyde, to visit, divide, and report; who met at Newtoun on 3 June 1667, and divided the said three quarters of land in Newtoun pertaining to John Wintrobe and Nicol Cochrane in three equal portions, 'and the houss and yaird in three equall portiones, the pund fauld betuixt the streat and the cleuch exempted,' as follows: 'First quarter hes in Lambelhauch ane heid halfe rig, in Broadmoore in the eist syde therof ane but, in Seargenthill half ane rig, in Staines ane foot halfe rig, in the Incrafts ane half but, in the west end of Brockrig ane butt, in Brockrig halfe ane rig, in the Wester Tuixt Burnes ane lang rig, in Eister Tuixt burnes the wester butt, in Drybrughehauch half ane but, in Over Hauksles the wester rig, in the eister end of Houckslies ane northmost single end called halfe ane rig, Nether Hauksles half ane rig, in Homes half ane rig, and ane litle dail in the Whomes, in Howdoun grein the wester halfe rig, in Taill Quhytehill ane single quarter, in Gladknow ane rig, in the back of the Gladknow ane but with the south end of ane but in the west syde of Styllheid, in Whytehill halfe ane rig wester, in Eister Highrig halfe ane rig, with tua butts in South Breids, in Lang Rinks ane heid half rig, in Middell Heighrig the eister halfe rig, in Mikell Heigh Rig halfe ane rig being the north end, in Mikell Broomlands ane heid halfe rig, in Horter Cleughlie ane quarter of ane rig, in Eister Burnerig three quarters of a halfe of it, ane south end and ane north end, quherof ane haill rig, in Wester Burnerig the eister halfe but and the wester halfe but, in the Toas three quarters together, in the Wester Toas [*sic*], in Dryknowes ane quarter being the south end of the eistmost, halfe ane rig in the Mains, and in the taill buts ane but; proportione of the houss, the hall, with the litle yaird within the dyk, with the number of ten trees with the mark of 1 put on with a saw, with seaven peaces of trees to be pans, quherof fyve of them on the over yaird and tua of them on the west syde of the middell yaird, which is unmarked, the

hail old timber that lyes within the north Peill belongs to the hall.—Ane other quarter of lands proportione : In Lambelhauch ane foot halfe rig, in Broadmoore halfe ane but there, in Seargenthill ane hail rig, in the Stones ane heid halfe rig, in the Incrafts halfe ane but, in Brockrig the wester rig there, and in Rennaldsones Closse ane rig there (the westmost), in Easter Tuixtburnes the mid but in and out, in Drybruch hauch ane butt wester, in Over Haucksles ane rig in the midle there, in Eister end of Haucksles halfe ane rig, being ane north end, in Nether Haucksles ane rig eister, in Whomes the thorne rig, in Houdoungrein halfe ane rig, being the mid halfe, in Taill Whytehill ane foot quarter there, in Gladknow halfe ane rig and tua butts in the back therof being the eister tua of the saids three quarters land, in Styleheid halfe ane but back and foer, in Whytehill halfe ane rig eister, in Eister Heighrig halfe ane rig being the midle halfe, in Lang rinks halfe ane rig being ane foot halfe, in midle Heighrig half ane rig being the south halfe, in Meikle Heighrig halfe ane rig being the south halfe, in the Meikle Broomlands halfe ane rig being the foot of the hail rig there, in Horter Cleughelie ane quarter of ane rig there, in Eister Burnerig three quarters of ane hail rig, in Wester Burnerig the north end of the eister butt and the south end of the wester butt, in the Toas ane south quarter of the wester Toas and ane north halfe in the eister Toas, in Dryknowes ane quarter of ane rig being ane north quarter, in Maines halfe ane rig being ane foot halfe, in Suerheid ane butt being wester ; the south peill under and above, with the south end of the old barne within the walls, with the south end of the nether yaird as it is marked with ane bleitstone, with the number of eight trees of the mark of 2 put on with a saw.—The thrid quarters proportione : In Lambelhauch ane halfe rig being ane heid halfe, in Braidmoore halfe ane but, in Searjainthill ane rig there, in Staines ane rig in the south syde therof, in the Incrafts halfe ane but there, in Brockrig ane rig being Eister, in Rennaldsones Closs ane rig being eister, in Tuixtburnes Eister ane but in and out

eistmost, in Drybrugh haugh ane but eastermost, in Over Haucksles ane rig eister, and ane south end eister, being halfe ane rig there, in Nether Haucksles ane rig westermost, in Whomes ane rig hithermost, in Houdoungrein halfe ane rig being the eister halfe rig, in Taill Whytehill ane heid quarter of ane rig, in Gladknow halfe ane rig, in Styleheid three quarter of ane [? any] but lyes together in the eist syde, in Styleheid the eister halfe but, in Whytehill halfe ane rig, in Eister Heighrig halfe ane rig, being the wester halfe rig, in Langrinks halfe ane rig being ane foott halfe, in Middell Heighrig halfe ane rig being ane north halfe, in Mikell Heighrig halfe ane rig being ane north halfe eister, in Mikell Broomlands halfe ane rig being ane over end there, in Horter Cleughelie ane quarter of ane rig there, in Eister Burnerig the wester three quarters part there, in Wester Burnerig the south end of the eister but and the north end of the wester but there, in the Toas ane north quarter in the Wester Toas and ane south halfe rig in the Eister Toas, in Dryknowes ane south quarter of ane rig there, ane bat [? bac] butt, ane Suyreheid but eister, and the north end of the litle peice but in the west syde of the Styleheid, and ane litle peice in the Maines; proportione of the houss, the northmost meikell peill beneath and above, with the north end of the barne, with the north end of the neather yaird as it is marked with ane marche stone, together with the number of ten trees marked with 3 nicks of ane saw. *Sic subscribitur*, Tho. Stenhous; Wm. Ker; Thomas Gill; I. R.; Jo. Mylne; Jo. Mein; Will. Fischer; James Merse; Thomas Louckup.'—This report and scheme of division being received and given up to George Wallace, procurator for the defenders, to see and object, he gave in the following objections, 1. No process of separation and division ought to be granted upon the pursuer's petition as having right from Bessie Cochrane, 'youngest daughter to the said umquhill Henrie [*sic*] Cochrane procreat betuixt him and umquhill—his spous in his last mariage,' because she is not duly served heretrix portioner to her father in the subjects in question; 2. there ought to be a

‘briefe of divisione’ directed from Chancery at pursuer’s instance to the bailie of regality; 3. no process without consent of said Janet Cochrane, eldest daughter and heritrix of said Henry Cochrane in said subjects conform to provision in contract of marriage between her father and deceased—his first spouse. To this John Bunzie, pursuer’s procurator, answered that said Agnes and Bessie Cochrane, the pursuer’s authors, ‘are entered and receaved be the Earle of Hadingtone, superior of the forsaid lands, by precepts of *clare constat* as tua of the airs portioners to the said umquhill Alexander Cochrane their father, and infeft and seased therein conforme,’ and pursuer has disposition and infeftment from them, and besides, the defenders and their procurators ‘was claimeing lands of umquhill Henrie Cochranes as may appear be the forsaid objectiones, to which the persewer is not oblidge to answer *hoc loco*.’ The bailie repels the objections in respect of the answers, and ordains pursuer to instruct that said Agnes and Bessie were two of the three daughters of deceased Alexander Cochrane and served heirs to him in the said subjects, and to prove his title from them, and ordains defenders to instruct their right to the subjects. Pursuer produced a precept of *clare constat* by John, Earl of Hadingtone, to Bessie Cochrane as one of the three heirs portioners of Alexander Cochrane her father, dated 4 February 1663; sasine thereupon, 26 February 1663; disposition by her to pursuer of her third part, 24 April 1660 [*sic*]; sasine thereupon, 26 February 1663; precept of *clare constat* by Earl of Haddington to Agnes Cochrane as another of the three heirs portioners of Alexander Cochrane her father, dated 12 June 1665; sasine thereupon, 14 June 1665; disposition by her to pursuer of her third part, 8 June 1665; sasine thereupon, 14 June 1665. John Wintrobe produced a precept of *clare constat* by John, Earl of Hadingtone, to said Janet Cochrane as one of the three heirs portioners of Alexander Cochrane, her father, dated 28 June 1665; disposition by said Agnes Cochrane of her third part to said Janet Cochrane her sister and John Wintrobe her son [*sic*],

15 June 1660; instrument of resignation thereupon in favour of said Janet, 29 June 1665. From these titles, and the foresaid reasons and debates, the bailie finds that the said Nicol Cochrane has good and undoubted right to two of the three parts of the said subjects, and prefers him to the heritable right of the same, notwithstanding of the foresaid disposition by Agnes to her sister Janet 'and her spous,' because they are neither infeft nor in possession and so the same is but a personal obligation, whereas the pursuer stands infeft and in possession; reserving action of warrandice, etc., to said Janet Cochrane and spouse against said Agnes Cochrane in respect of these writs; and so the bailie decerns two of the three quarters of land foresaid, with the teind of the foresaid 'hail 3 quarters, at least of so much therof as perteaned to David, Lord Cardross, and acqyred be the said Nicoll fra him, lyand on the south syde of the burne,' to pertain to the said Nicol; and finds that Janet Cochrane and her spouse have good right only to ane of the said three quarters of land, and decerns her (being the eldest sister) and her spouse 'to have (if they please) the choise of any ane of the forsaid three quarters of land with the perteinents, as it is now devyded in three parts and quarters be the forsaid fyftein suorne men, otherwayes imediatlie to cast cut and cavell with the said Nicoll and tak which of these three quarters of land shall happen to fall to them,' otherwise the bailie will cause do the same for both. The defenders asked a day to be assigned to them for making their choice, and this day they being absent and their procurator declaring he had no information from them, the bailie ordains the clerk to take the said three-quarters of land 'in peaper and to put the same into ane hatt, and ordeanes Andro Phaupe, officer, to draw in name and behalfe of the said Jennet Cochrane and her said spous, to whom by the said drawing fell the foresaid third and last quarter of land, and the other two quarters fell to Nicol Cochrane; conform whereunto the bailie decerns the third quarter to pertain to the defenders (except the teind, at least of so much of the said quarter

as lies on the south side of the burn), and decerns the pursuer to remove from the said third quarter, and to possess the first and second quarters.

*Eodem die* decerns Thomas Hervie, son of deceased Adam Hervie, portioner of Bowdoune, indweller in Maxpople and intromitter with his father's effects, to fulfil a wadset tack granted by his father to Robert Fletcher, cooper in Bowdoune, 17 November 1660, of his ridge of land in Mid Whitrig 'westmost betuixt Herkersyke and Aikidenburne,' except the teind sheaves, lying in Bowdoun, for 50 merks advanced to said Adam Hervie and his spouse, who undertook to pay all public burdens and harrow, till, and labour the said ridge yearly during non-payment of the sum of 50 merks, with 4 l. expenses; defender denying intromission, or promise to pay, the pursuer referred it to his oath, who deferred to pursuer, who deponed affirmative; pursuer to find caution to answer defender as law will, before extracting.

*Eodem die* decerns Alexander Lythgow of Drygrange to pay to Robert Clerk, merchant in Galtonsyde, 19 l. 9 s. 6 d. Scots for merchandice, conform to his ticket and account written 'on the taill therof,' dated 25 March 1665, payable on 15 May thereafter; defences repelled, and pursuer to prove the addition at foot of account and altered date of payment, who referred to defender's oath, who deferred to pursuer, who deponed affirmative; 38 s. expenses.

Melrose, 20 July 1667; Mr. Robert Maine.

Which day decerns John Naper in Allaneshawes to pay to William Scot in Williamlaw 53 s. for a ewe and lamb lost by him to the pursuer at Martinmas 1666; referred to defender, who was absent, and held as confessed.

Melrose, 27 July 1667; Mr. Robert Maine.

Which day decerns William Cairncroce of Allaneshawes to pay to Mr. Alexander Bisset, minister at Melrose, 40 l.

for his stipend, Whitsunday and Martinmas 1666 and Whitsunday 1667 ; defender absent ; 4 l. expenses.

*Eodem die* decerns William and Robert Laidlaw, tenants in Allaneshawes, and William Cairncroce their master, for his interest, to make forthcoming to said Mr. Alexander Bisset 40 l. with 4 l. expenses owing by Cairncroce as above, and arreisted in their hands as due to their master ; defenders absent.

*Eodem die* decerns David Unes in Lessudden to pay to Robert Ker of Fodderlie 9 l. as balance of price of bear bought from pursuer about 3 years ago ; defender absent ; 18 s. expenses.

*Eodem die* decerns John Maxwell in Melrose to pay to Walter Uschar, portioner of Darnick, 6 l. Scots for a boll of bear bought from pursuer about a year ago ; defender absent ; 12 s. expenses.

*Eodem die* action at instance of James Gastoune, portioner of Lessudden, against John Robiesone there, who with causeless malice came on 11th May last to the pursuer's ' oune oxen and one kow, with calfe, pastureing upon his oune ground in St. Boswells, and under pretext that they ware pastureing upon the ground of the lands and corne of Lassudden, quherop he is pundler, he did most wrongouslie and violentlie beat, hounded, drove and strok ' the said beasts till he put them in the ' pund-fauld ' and detained them there for two hours, whereby his cow with calf, worth 66 l., died ; yet he refuses to pay for the same. Pursuer compearing, with John Bunzie his procurator, and defender compearing, with George Wallace, his procurator, the pursuer in the terms assigned to him for probation succumbed therein, so absolves the defender.

Melrose, 3 August 1667 ; Mr. Robert Maine.

Which day decerns Andrew Mar, portioner of Galtonside, to pay to James Eillies of Huntliewood 46 l. 10 s. Scots due by him to James Boustoune and Margaret Henderson

his spouse in Galtonside, for the rent and duty of the tenements and yards in Galtonside, crop 1666, possessed by him and belonging to said Margaret Henderson in liferent, and arreisted in his hands for satisfaction of 100 merks principal and 10 merks expenses contained in a Bond by said Margaret to the pursuer's deceased father, and decreet obtained at pursuer's instance against her and her husband for said sums, with annualrent, extending in all to 94 l. 13 s. 4 d. Defender produced assignation by said Margaret to him, which being only subscribed 'be the wyfe and not be the husband . . . signifies nothing,' and there is a declaration by her husband that he never gave his consent to said assignation. Defender being ordained to depone what he owed at time of arreistment, declared he owed 'to his mother and her husband' the foresaid sum of 46 l. 10 s. 'conforme to the tak, reserveing allwayes preference to quhat is awand to my lord.'

*Eodem die* decerns Adam Turnbull, mason in Newsteid, to pay to David Thomsone in Longhauch 43 s. for meat and drink furnished by pursuer to him; defender absent; 4 s. expenses.

Melrose, 24 August 1667; Mr. Robert Maine.

Which day compeared Marie Randie, wife of William Waugh, burgess of Hadingtone, and one of the two sisters and heirs portioners of deceased George Randie there, and judicially ratified and approved a Disposition, August 1660, granted by her with her husband's consent to Mr. John Waughe, their lawful son, schoolmaster at Melrose, and his heirs and assignees, heritably and irredeemably, of her half of that 'eist part or portione containing ane hall and ane loft above the hall and tuo booths under the said hall of that tenement sometyme pertaining to the deceist James Heidington, skinner, burgess of the said burghe, lyand within the samein brughe on the north syde of the croce gate therof betuixt the tenement sometyme pertaining to umquhill John Barnes thereafter to his airs and now to the airs of Margret



Cobren on the eist, the tenement pertaining to the airs of umquhill John Dowglas and now to the airs of Mr. [?] Alexander Seatoun on the north, and the Hie Streit of the said brughe on the south parts therof'; declaring (*extra presentiam mariti*) that she grants the same voluntarily and without compulsion.

[The following decret is on a slip of paper, written on both sides, inserted at this place in the book.]

' Curia, etc., 4 August 1667.'

Which day action at instance of Andrew Mar, portioner of Galtonesyde, against Alexander Lythgow of Drygrainge, who bought from him at Lammas 1665 six bolls of oats at 4 l. 13 s. 4 d. the boll, *inde* 28 l. Scots, and promised payment at Michaelmas thereafter 'upon his oun table'; also bought from pursuer a barrel of ale containing 4 gallons at 10 s. 8 d. the gallon, *inde* 42 s. 8 d.; but he refuses to pay. Pursuer compearing, and Andrew Phaupe his procurator, and defender compearing, with John Bunzie his procurator, and defender confessed buying and receiving the oats and ale, but it was at his father's direction and the latter's executors ought to pay the same, and thereafter denying the bargain it was admitted to pursuer's probation, who adduced Thomas Bowstoune in Galtonesyde and Thomas Mylne, servitor to said Alexander, by whose depositions and defender's confession the bailie finds the articles were delivered to defender upon his promise to pay at the time libelled, and decerns him to pay the sums sued for, and 3 l. of expenses of plea; reserving to him action for repetition against his father's executors according to law.

Melrose, 28 September 1667; Mr. Robert Maine.

Which day complaint by Andrew Darling, portioner of Appeltrieleaves, against William Wilsone, John Fratter, John Pringle, Gavin Patersone, David Thomsone, Jean Bell, Marion Smyth, John Clapertone, Andrew and

Walter Thomsones, tenants in Longhauch and Appeltrieleaves, who daily and nightly break down, cut and destroy his green wood and timber growing in his park and upon his ground and yards of Appeltrieleaves and Longhauch, 'and eats and destroyes his grass and cornes of the saids lands.' The bailie grants act of court that none of the defenders transgress herein in time coming under penalty of 10 l. ; defenders absent.

*Eodem die* decerns Patrick Louckup, wright in Melrose, to pay to John, Earl of Hadingtone, or his factors and chamberlains, 40 merks due by him to Alexander Ridpeth and arreisted for part payment of 110 l. principal and 6 l. of expenses due by Ridpeth to the Earl conform to decreet at Earl's instance against him, 8 June 1667 ; defender absent.

Melrose, 5 October 1667 ; Mr. Robert Maine.

*Eodem die* decerns Andrew Riddell, Katherine Riddell, and William Maben in Lassudden, each to deliver to David, Lord Cardross, titular of the teinds of Lassudden, and Janet Duncansone, daughter and executrix to deceased Mr. Andrew Duncansone minister there, 2 bolls of bear due by them to Patrick Riddell there, crop 1667, and arreisted in their hands conform to decreet by pursuers against said Patrick Riddell, 7 August 1666, before sheriff of Roxburgh for 86 l. principal and 18 merks expenses ; defenders confessed ; supersedes execution till Martinmas.

*Eodem die* compeared William Rennoldsone, portioner of Bowdoun, and deponed he had given up all writs, evidents, and securities he has in his custody concerning the ' fyve halfe lands in Bowdoun ' pertaining to ' umquhill ' Andrew Ker of Kippielaw, ' and also sall delyver to the said Andro Ker [*sic*] all uther wreats, evidents, and securities quhatsumever of the saids lands that sall happen to come to his hands at any tyme heirefter upon the said Andro Ker his recept of the samen,' or a transumpt of these writs wherein other lands besides the above are included.

Melrose, 10 October 1667 ; Mr. Robert Maine.

Which day decerns John, Andrew, William, David, and James Lythgow, executors to deceased James Lythgow of Drygrainge, and Thomas Lythgow their tutor, for his interest, to pay to William Louckup, wright in Danyeltone, 20 l. Scots for certain 'wright work' wrought by him to said deceased James Lythgow at his house of Drygrainge in 1665 ; John Lythgow, defender, desired sight of process and a term to answer, but then for noncompearance is held as confessed ; 40s. expenses.

*Eodem die* decerns James Pringle in Colmeslie, Andrew Darling, elder, and Alexander Lythgow of Drygrange, to pay to Grizel Scot, widow of John Fischer of Old Melrose, the first 16 l. 12 s. and the other two 3 l., for corn and straw furnished by her to them 'as leiders for tua horse in Generall Major Drumonds troupe' ; defenders absent ; expenses 32 s. and 6 s. respectively.

*Eodem die* decerns Adam Darling, portioner of West-houses, to pay to Andrew Mar, portioner of Galtonesyde, 5 l. for necessaries furnished to him ; defender absent ; 10 s. expenses.

Melrose, 2 November 1667 ; Mr. Robert Maine.

Which day decerns George Blaikie, flesher in Melrose, to pay to Janet Patersone, servitrix to James Merse, portioner of Newsteid, 4 l. for fee for service by her to defender about 4½ years ago ; defender confessed ; 8 s. expenses.

*Eodem die* decerns Patrick Louckup, wright in Melrose, to pay to Grizel Scot, widow of John Fischer of Old Melrose, 4 l. for flesh bought by him about a year ago, to be paid at Martinmas ; defender absent ; 8 s. expenses.

*Eodem die* decerns Thomas Unes in Lassudden to pay to Robert Riddell in Maxton 3 l. 10 s., and a firloft of bear or 26 s., for fee and bounty of half a year's service wrought

by James Riddell, his son, to the defender, Martinmas 1666 to Whitsunday 1667 ; defender absent ; 8 s. expenses.

Melrose, 5 November 1667 ; Mr. Robert Maine.

Edict of curatory raised at instance of Helen Donaldsone, only lawful child of deceased James Donaldsone, portioner of Blainslie, minor, and served upon William Donaldsone in Blackhill mill, and Robert Donaldsone in Coldingham, his brother, nearest of kin to her on the father's side, and James Rolmanous, younger, in Blainslie, and John Rolmanous in Humbie, nearest of kin to her on the mother's side, and all others the kinsmen and friends of the said minor having or pretending interest. None of defenders compeared except the said James Rolmanous, and the said Helen compeared personally and produced a testificate signed by Mr. William Johnstoun, schoolmaster at Lauder, 'dated the fourth day of November 1655 beareing her to be baptized that day and so consequentlie was passed tuelfe years of age,' and chose Andrew Woddell in East maynes, William Murray in Bounmylne, and the said James Rolmanous, younger, in Blainslie, to be her curators, Woddell being *sine quo non*, all of whom accepted, and are decerned curators to her and gave their oaths and became mutually bound ; upon which Helen and her procurator [John Bunzie] asked instruments.

Melrose, 9 November 1667 ; Mr. Robert Maine.

Which day decerns the feuars of Calfehill, Threipwood and Newhouses [and] Newsteid, [and] William Fischer, portioner of Eister Langlie, to pay to James Pringle of Colmeslie their proportions, conform to valuation of 16 l. 12 s., of principal and 32 s. expenses, contained in decret obtained at instance of Grizel Scot for 'the horse corne and straw furnisched be Grissell Scot for the saids defendars and the said persewar for one horse in Generall Major Drumonds troupe at Jedburgh in Appryll last.'

against said James Pringle for himself and in name of said defenders: Expenses 32 s.

*Eodem die* decerns James Laidlaw in Newtown to pay to Helen Ker in Melrose and Robert Young her spouse 40 s. for 5 loads of peats detained by him from them which they had bought and paid for; referred to defender's oath, who refused to depone; expenses 4 s.

Melrose, 16 November 1667.

Which day decerns John Pringle in Longhaugh to pay to John Fratter 8 l. as rent and duty of a house and yard [*undescribed*]; defender alleged pursuer owed him 5 merks 'of ane band,' and denied the claim; defender to prove this debt, and pursuer to prove his claim. William Fischer, portioner of Eister Langlie, deponed he heard the pursuer 'promeis doune 20 s. of the maill it payed befor, and to the best of his knowledge the maill was 8 li., and also that the said persuer was aughtand the said defender 5 merks, but he thought it was quyte'; and John Fischer, maltman in Darnick, deponed 'he saw the defender claime fyve merks and saw the band delyvered, and for the maill of the house he hard Pringle say he wold not keip the yaird, but knew not quhat maill the defender promised'; expenses 16 s.

Melrose, 23 November 1667; Mr. Robert Maine.

Which day decerns Andrew Fischer of Wester Housbyre to pay to Andrew Moffett in the 'Abbay of Hadington' 30 l. for fees and bounty for service wrought by Moffet to him, viz. resting from Whitsunday 1662 to Whitsunday 1663, 40 s.; due from Whitsunday 1663 to Whitsunday 1664, 18 l.; from Whitsunday 1664 to Whitsunday 1665, 16 l.; with 6 ells of plaiding, 'price 40 s.,' extending to 38 l. but defender alleges 8 l. paid for half a year's service, which he is to prove; decerns for the rest, with 3 l. expenses.

*Eodem die* decerns William Ker, portioner of Newtown, to pay to James Coitt in Lessudden, executor dative to deceased William Gastoun in Lessudden, 26 l. of principal, with 38 l. as 6 years' annual-rent contained in Gaston's testament and promised by defender to pursuer and of which he paid two years' interest; defender confessed 50 merks, and pursuer referred the rest to his oath, who deferred to the pursuer, who took it to avisandum; decerns for 50 merks, and 3 l. 6 s. 8 d. expenses of plea.

*Eodem die* decerns James Wauch, wright in Melrose, to pay to James Edgar, younger, in Melrose, 20 s. for tilling land in Melrose; defender denied the claim, which being referred to his oath, he deponed he owed only the 20 s. out of 5 l. 2 s. claimed; deferred the rest to oath of pursuer and his wife; 3 s. expenses.

*Eodem die* decerns William Laidlaw in Allanshawes to pay to Andrew Darling, portioner of Appeltrieleaves 7 l. 2 s. as balance of 40 l. due in a bond by defender's master to the pursuer, and which was allowed to defender in his rent; Robert Laidlaw his brother confessed the defender was owing 'the samen,' and 'for the rest' refers to pursuer's oath; 14 s. expenses.

*Eodem die* decerns Andrew Darling, portioner of Appeltrieleaves, to pay to Jean Edgar, widow of Michael Fischer, portioner of Darnick, and executrix to him, 7 l. 5 s. as balance of the contents of a bond, 3 May 1658, by said Andrew to said Michael; pursuer, and James Edgar her brother, as procurator, produced a missive letter and postscript written by the defender promising to pay the same, which he owned as a true debt, on condition that she discharged him thereof and of all other claims. 14 s. expenses.

*Eodem die* decerns John and Andrew Lythgow, for themselves and the rest of the executors of deceased James Lythgow of Drygrainge, to pay to Andrew Kennedy, officer in Darnick, 12 l. 10 s. for summoning, charging and poinding certain persons at the defunct's direction,

viz. 18 s. for twice charging Thomas Wedderstone, and once William Davidsone; 7 l. 10 s. for the sheriff-fee of 150 l. pointed from said Thomas Wedderstane; 50 s. for sheriff-fee for pointing said Thomas for 50 l. at Whitsunday 1666; 12 s. to the comprisers; 20 s. for summoning certain persons at said John Lythgow's instance. Defenders desired a term to answer, but failed then to compear, and are held as confessed; 25 s. expenses.

Melrose, 30 November (1667); Mr. Robert Maine.

Which day absolves William Wilsone, weaver in Longhauch, from action by Adam Turnbull, mason in Newsteid, for 20 l. for mason work done for him about a year ago; defences repelled, and pursuer adduced for proof Andrew Mein, mason, and John Mein, maltman, portioners of Newsteid, the former of whom deponed 'he knowes not if the defender be awand the persewer or not, only he heard the persewer say he wold pay him dayes wages if he wold compt them,' and the latter deponed 'that William Wilson sett a house in tack to the persewer, thereafter he endit on dayes wages and William Wilsone offered to pay the persewer dayes wages and went from it.'

Melrose, 14 December 1667; Mr. Robert Maine.

Which day decerns Alexander Trotter and Michael Fischer in Eister Housebyre to pay to Andrew Mar, portioner of Galtonesyde, 4 l. 4 s. for 6 firlots of oats destroyed and eaten by their beasts in July and August 1667; defenders absent; 8 s. expenses.

Melrose, 21 December 1667; Mr. Robert Maine.

Which day decerns James Gastoun in Lessudden to pay to Walter Scot of Raeburn 6 l. 17 s. 4 d. due to pursuer of his ferme bear for pursuer's lands in Lessudden, crop 1666, possessed by defender; defender confessed; 13 s. expenses.

*Eodem die* 'the baillie haveing ordered Andro Mar, Andro Chisholme, John Mylne, and James Wallace, elder, to meit together and to sett doune a price upon the penny brydaills and banquets for ilk woman and man, the saids Andro Mar, Andro Chisholme, John Mylne and James Wallace haveing mett together reported that 10 s. for ilk man and 8 s. for ilk woman att ordinar penny brydaills, and to be alse weill furnisched in meat and drink as of befor, is ane enough [*sic*], and halfe price at banquets ; to the quhich the baillie interpones his decreit and auctoritie, and ordeanes precepts to be direct to the officers to intimat the samen at mercate croce that non may come in the contrair or tak any more nor the forsaid price, under the payne of fyve pounds Scots, and that [nane] may pretend ignorance.'

'Curia Regalitatis de Melros tentam pretorio ejusdem <sup>1668.</sup>  
per Magistrum Robertum Maine de Lochwood,  
balivum deputatum ejusdem nobili et prepotent,  
Comiti Joanni de Hadington, Domino Bining et  
Byres, balivo principali dicte regalitatis, quarto die  
mensis Januarii anno Domini millesimo sexcent-  
tesimo sexagesimo octavo, sectis vocatis.

CURIA LEGITTIME AFFIRMATA.<sup>1</sup>

Which day decerns John Fratter in Longhauch to pay to William Wilsons, weaver there, 13 l. 1 s. 4 d. as balance of 22 l. 16 s., being the agreed price of 19 hogs bought from pursuer at Yule 1662, at 24 s. apiece, and 25 l. as the balance of the worth of the pursuer's grass in Longhauch heuch eaten 'be the said defendar' these 5 years past, at 5 l. yearly; and absolves said John Fratter from 16 l. 1 s. 10 d. additional claimed by said pursuer for fore-said hogs and grass; defender denied the claim, alleging he paid for the hogs, and that pursuer had no right to the grass, which was not worth 5 l. yearly, and being referred to defender's probation, he deponed that the pursuer 'was

<sup>1</sup> This is the first entry in a new volume containing the records from 4th January 1668 to 11th March 1676.



resting him of former accompts for drawing timber from Elebankwood, 18 s., and for the teilling of ane peace of land to the persewer, 4 l. 10 s., and thereafter that the persewar agried with him to teill all his lands for 10 l. 13 s. 4 d., and that he teiled the same except ane peace of land quich was overlong of tealling which the persewer teilled himselfe worth 5 merks Scots.' The pursuer instructed his right to the grass by a wadset tack made by Mr. William Dugood to him of the same, and for proving its worth adduced William Maben in Gallowsheills and Andrew Thomsone in Longhauch, who deponed the same was only worth 12 s. yearly. Expenses, 26 s. 8 d.

*Eodem die* decerns George and John Turner, tenants in Calfehill, and William Cairncroce their master, to make forthcoming to Mr. Mark Ker of Morieston, as assignee to a comprising led by John Wilsone, merchant burgess of Edinburgh, against said William Cairncroce of the lands of Calfehill, 5 February 1667, the sum of 350 merks as their Martinmas maill, 1667; repels defences made by defenders and George Wallace their procurator in respect of answers by pursuer and John Bunzie his procurator, and defenders acknowledged their term's maill; 10 l. expenses.

*Eodem die* decerns William Huntar in Ridpeth to pay to Andrew Kenniddie, officer in Darnick, 4 bolls of victual due by him to John Lythgow, his master, for crop 1667, and arreisted for satisfaction of 12 l. 10 s. principal and 28 s. expenses in decreet, 23 November 1667, at pursuer's instance against Lythgow; defender absent; reserving action to Lythgow for his relief against the rest of his father's executors.

Melrose, 11 January 1668; Mr. Robert Maine.

Which day decerns William Bell, portioner of Galton-syde, to pay to James Eillies of Huntliewood 7 l. 13 s. 10 d. for a boll of bear and 'ane prick peck' bought and paid for by Ellis in 1663, and never delivered to him; defender confessed. As to other bear claimed and not confessed, admits to pursuer's probation. Expenses 16 s.

Melrose, 8 February 1668 ; same bailie.

Which day decerns Alexander Ridpeth, wright in Melrose, to pay to William Maben in Galashiels, as factor to Mr. Walter Scott in Elibank, 4 l. 8 s. for timber bought from pursuer in Elibankwood, 1667 ; defender confessed the same to Andrew Kenniddie, officer, but not compearing is held as confessed ; 8 s. expenses.

Melrose, 29 February 1668 ; Mr. Robert Maine.

Which day decerns Thomas Bell of Eister Longley to pay to John Halywall, elder, portioner of Galtonesyde, 5 l. 12 s. borrowed from pursuer at Lammas last ; defender absent, pursuer deponed ; 12 s. expenses.

*Eodem die* decerns John Purves in Craiksfuird to pay to said John Halywall 6 l. 8 s. as balance of price of 19 lambs bought from pursuer on 18 June 1667 at 16 s. apiece, *inde* 15 l. 8 s. ; defender absent, pursuer deponed ; 12 s. expenses.

*Eodem die* decerns all and sundry the feuars, heritors, and possessors of the parish of Melrose to pay to Mr. John Wauch, schoolmaster, three quarters of a year's stipend conform to decret, 22 December 1666 against them, ' for his service preceeding his removeing from Melros and not being schoolmaster, quhilk was at Lambass 1667 ' ; reserving account and reckoning between him and them as to what is already paid ; defenders absent ; 2 s. per pound expenses.

Melrose, 7 March 1668 ; Mr. Robert Maine.

Which day decerns Thomas Merser in Drygrainge to have forfeited all his moveable goods and to make the same forthcoming, half to ' my Lord ' and half to James Edgar, fiscal, for breaking the arreistment laid by Andrew Phaupe, officer, upon his corn in Old Melrose for the bygone maills and duties of the lands of Old Melrose at the Earl of Hadington's instance, conform to the Earl's decret, 23 November

1667, against him and Agnes Mertoun 'his master' [*sic*]; defender having confessed, and came in the bailie's will.

Melrose, 21 March 1668; Mr. Robert Mainie.

Which day decerns John Andersone portioner of Ridpeth, '*alias* Williams John,' to pay to James Dawsons in Smalehome Spittell 16 l. 13 s. 4 d. for a horse bought from pursuer 10 years ago; defender confessed, alleging he agreed with pursuer to pay at St. Boswells day and Candlemas, 'and referred the same to the baillie, whoe modified to pay at Mertymes'; expenses 32 s.

*Eodem die* decerns David Kyll, smith in Lessudden, to pay to Lancelot Broun, glover there, 5 l. for harvest fee wrought for by Andrew Turner, the pursuer's servitor, last harvest; defender absent; 10 s. expenses.

*Eodem die* decerns Thomas Bell, portioner of Eister Longley, to pay to John Bartoun and Thomas Bowstoun, indwellers in Galtonsyde, respectively 16 l. and 19 l. for the price of an ox received from the former at Martinmas last and an ox received from the latter at Michaelmas last; defender confessed; expenses, to Bartoun 32 s. and to Boustoun 38 s.

Melrose, 23 March 1668.

Complaint by Michael Fischer, second lawful son of John Fischer, portioner of Darnick, and the rest of the feuars of Darnick, against Andrew Fischer of Housbyre, his brother, narrating that the feuars of Darnick have a seat in Melrose kirk containing four desks, between the minister's seat and Threepwood's seat, which they have peaceably possessed for many years, but in January 1668 the said Andrew Fischer of Wester Housbyre 'under pretext that the seat belongs to him did cast furth our fower dasks, and hes put ane face of ane seat [*sic*] wherby we are excludit out of the samen, and lykewayes hes nailed the samen to Thriepwood seat without licence,' and order ought to be given to

him 'to tak doune that face of the forsaid seatt sett up be the said Andro Fischer and to put the saids supplicants their seats as they ware *in statu quo prius*, untill it be knowen to whom the samen perteanes.' The bailie decerns according to the claim 'and report wreatten on the back therof.'

Melrose, 28 March 1668.

Complaint by Robert Trotter of Eister Housbyre, John and Alexander Trotter his sons there, and by James Bowstoun, William Bell, Robert Frier, Andrew Mar, for themselves and remanent feuars of Galtonsyde and Westhouses, against Andrew Fischer of Wester Housbyre, citing Cap. 19, Parl. 22 of King James VI., ordaining that no person 'build any dowcats aither in brughe or land ward except the persone builder have ten chalders of victuall of yearlie rent,' and complaining that the said Andrew Fisher, though not worth so much, is building a dovecot, which will certainly tend to their great prejudice; and they crave that Mr. Robert Maine, bailie depute, may grant order to an officer to prohibit and discharge Fisher 'and all his massones and workmen working at the said dowcat from any farder bigging or utherwayes working at the said dowcat,' under penalty, till Fisher prove that he is worth 10 chalders of victual conform to the act. The bailie decerns accordingly.

Melrose, 4 April 1668; Mr. Robert Maine.

Which day decerns John Sounhous, John Wallace, and James Pringle, son and heir of deceased Agnes Hardie, portioners of Blainslie, to pay to Mr. John Scott of Longshaw, titular of the teinds of Blainslie, as follows, viz. Sounhous to pay 43 l. 1 s. 1 d. for the teind duty of his 2½ husband lands there and pendicle belonging thereto, crop 1667; Wallace to pay 25 l. 16 s. 8 d. for teind of his 'land and halfe land' in Blainslie, said crop; Pringle to pay 8 l. 12 s. 3 d. for teind of 'halfe ane land' there

possessed by his mother, said crop ; defenders absent ; expenses 2 s. per pound.

*Eodem die* decerns John Darling in Blainslie to allow Edward Darling his brother to possess 'ane halfe land in Blainslie sett be the said John to the said Edward and perteaning to William Cranston of the Roan, for this yeare 1668, for quhich the persewer is content to find cautione for the maill and dewtie efter compt and reckning' ; defender confessing the lease.

*Eodem die* absolves John Pringle in Longhauch from action by John Fratter there against him for in winter 1666 taking out of the pursuer's house (possessed by the defender) 'ane yron stanchell' worth 6 l. 13 s. 4 d., 'and brak the persewer his rebats of the window worth 6 l. and for cutting of thrie ploum tries perteaning to the said persewer,' worth 3 l. ; defender denied, pursuer referred it to his oath, who deponed negative.

Retour (*in Latin*) of the special service of Margaret, Elizabeth, and Mary Scot, lawful daughters of deceased William Scott, gardener in Halydean, as heirs portioners to deceased Robert Scot, portioner of Melrose, their grandfather, in 7 acres of land of the Annay of Melrose, and half of the lands of Bowarsbrae, with teindsheaves included, and those houses ('*domiciliis*') and yards within the precinct of the monastery of Melrose sometime pertaining to deceased John Scott, thereafter to deceased Mr. John Scott, and thereafter to said deceased Robert Scott ; also a tenement in Litle Fordell and two acres of the lands of Quarrelhill, and a part and half part of the Wairds of Melrose ; all now worth 13 s. 4 d. of yearly rent, and held of John, Earl of Haddington, as superior, the 7 acres in Annay and half of Bowarsbrae paying 8 bolls of bear, Jedburgh measure, with the charity, commonly called the 'cuntrey mett bear,' and 7 capons, yearly, and the houses and yards in the precinct paying 5 l. 6 s. 8 d., while the tenement in Litle Fordell, 2 acres in Quarrelhill, and part and half of

the Wairds, pay 3 l. 10 s., with 4 days' work yearly ; the infeftment being nullified if two terms' payment of feu-farm run into a third unpaid, or if the subjects be alienated to any save tenants and occupiers in Melrose *inter se* ; the subjects having remained in the liferent possession of Elizabeth Dowglas, widow of Robert Scott, since his decease over 20 years ago. The names of the assize are : Mr. Andrew Ker of Kippielaw, John Ker of Preistoun, Walter Riddell of Newhous, William Fischer, writer in Edinburgh, Andrew Riddell, younger, in Lilieslie, James Hendersone in Kippielaw, James Eillies of Huntliewood, William Edgar, portioner of Melrose, James Edgar his son, John Mein, miller of Newsteid, William Fischer there, Andrew Mein, mason there, Michael Fischer in Darnick, Adam Lythgow, weaver in Melrose, and Thomas Stenhous, portioner of Newtoun.

Melrose, 18 April 1668 ; Mr. Robert Maine.

Which day action at instance of James Edgar, fiscal, and William Bell, portioner of Galtonsyde, against Andrew Fischer of Wester housbyre, who on 10 March last coming out of Galashiels ' not only most maliciouslie abuised and slandered the said William Bell with his tong but thereafter without any just cause or occasione given be the said William Bell ' to him ' did beat stryk wound and hurt the said William Bell with his suord and staffe and neaffs by casting the said William Bell persewer severall tymes doune upon the ground ' to the effusion of his blood and hazard of his life. Pursuers compeared, producing ' ane band with blood,' and George Wallace, notary in Melrose, compeared as procurator for the defender, producing a missive letter authorising him to refer the complaint to the pursuer's oaths, which being done, the said William Bell, married, aged 52, deponed ' that the said Andro Fischer comeing out of Gallowsheills by him in Longhauch ground, efter some words past betuixt them, John Trotter being with the said William and holding him in his armes, the said Andro Fischer defendar did tak him tuyse or thryse

over the head with a staffe and bled him on the mouth, and thereafter Andro Fischer lighting of his horse they stroak both at uthers, gripped uthers, and tumbled over uthers on the ground, and that the said Andro was in the bloodwyte also, and that the said William stroak the said Andro but gave no blood'; which being submitted to an assize of fifteen persons, they by their spokesman, James Ker, elder, in Melrose, found Fisher guilty both of the blood and bloodwite, and that Bell is guilty of no riot, having acted in self-defence 'after he was greatlie provoaked be the said Andro Fischer by compaireing him to his dog'; whereupon the bailie ordains Fisher to pay 50 l. of fine to the fiscal for the blood, and 50 l. for being in the bloodwite.

*Eodem die* complaint by William Wilsone, Marion Smyth, and Jean Bell, indwellers in Longhauch, against John Fratter, indweller there, narrating that 'past all memorie of man the haill cattell of the toun of Longhauch ware yearlie pastured and keiped be ane comone hird amongst the haill toun, untill this yeare John Fratter, defender, most wrongouslie doeth keip ane hird be himselfe and onnowayes wold keip nightbourheid with the saids compleanes as was used formerlie but eateth and destroyeth the saids persewers ther cornes and grass with his catell'; and desiring that he may either herd his cattle with theirs or keep them for destroying their corn and grass. Defender denied 'that ever he was in use to have his goods keipysed with the rest of the toun, and alledgit that his oun ground lyes be itselfe,' to which the pursuers and John Bunzie their procurator answered they were 'in custome to be pastured with the rest,' which they proved sufficiently by Robert Lande in Longhauch and John Dewar in Dry-grange, witnesses; whereupon the bailie ordains the defender to keep neighbourhead with the rest 'according to old use and wont, by hirling his goods with the rest of his nightbours, provyding they come not to his oun proper grass, quhich is not comone, except use and wont,' under penalty of 40 s. for each contravention by him.

Melrose, 25 April 1668 ; Mr. Robert Maine of Lochwood.

Which day decerns John Tailyeor, flesher in Midlim, to pay to Mark Blaikie in Melrose 4 merks as balance of price of 20 sheep bought from pursuer 6 years ago ; both parties submitted to Thomas Law in Melrose, who declared 'positivelie,' and 'for the rest lybellit absolves the defender' ; 6 s. 8 d. expenses.

*Eodem die* decerns George Wilsone in Thriepwood to pay to Robert Wilsone, maltman in Galashiels, 3 l. for two ewes bought by the pursuer from him at Martinmas last, or to deliver the ewes ; pursuer deponed ; 8 s. expenses.

*Eodem die* decerns John and Andrew Lythgow, for themselves and the rest of the executors of deceased James Lythgow of Drygrange, their father, to pay to Thomas Bowie in Melrose 19 l. 12 s. borrowed by their father from George Wallace in Melrose about 6 years ago 'and sent the said persewer to receave the samen and to delyver it to him, quhich accordinglie he did, and for quhich the said George Wallace hes obtained decreit against the said persewer therfor' ; defenders absent ; 40 s. expenses.

Melrose, 23 May 1668 ; Mr. Robert Maine.

Which day decerns all and sundry the feuars, rentallers, possessors and occupiers of the lordship of Melrose, to pay to the Earl of Hadington their Whitsunday maill or feu-duty, kains, carriages, etc., for 1668 and all bygones ; defenders absent. Extracted against Michael Fischer and his mother, Grizel Scott, for 56 l. 16 s. 1 d. for the ferme bear and wheat of their lands in Darnick, crop 1667, payable at Whitsunday 1668, and for 25 l. 16 s. 8 d. of feu duty for their other lands there, Whitsunday 1668, extending to 82 l. 12 s. 9 d. of principal, with 10 l. expenses ; also against Mungo Donaldsone in Melrose for 1 l. 10 s. 5 d. for feu and vicarage, 1665, and 3 l. for Annay ferme, crop 1665, and 1 l. 10 s. 2 d. for feu and vicarage, 1666, and



3 l. for Annay ferme, crop 1666, and 6 s. for a capon, 1665, with — of expenses.

*Eodem die* decerns Alexander Trotter and Michael Fischer in Eister Housbyre each to pay to James Sheell of Haucheheid 3 l. for two bolls of oats eaten and destroyed by their nolt, horses, and sheep, crop 1667, growing upon Eister Housbyre; defenders denied, pursuer proved both the eating and comprising by Thomas Bowstoun, George Hoy in Galtonsyde, and Thomas Wedderston in Eister Housbyre; 12 s. expenses.

*Eodem die* absolves James Gray, tailor in Blainslie, from action by James Sounhous there for 6 l. as rent and duty of a house in Blainslie alleged taken by defender from him from Whitsunday 1668 to Whitsunday 1669, 'or to shear in hearvest with the said persewer'; defender denied promising payment or taking any house from pursuer, and pursuer referred it to his oath, who deponed negative.

Melrose, 30 May 1668; Mr. Robert Maine.

Which day decerns John Litheheid in Melrose to flit and remove from a tenement and yard, malt kiln and malt-barn, in Melrose, two acres of land in the Aikers called the Hill, and five butts of land at the end of the Booklawes, and allow James Eillies of Huntliewood, proprietor, to possess and dispoone the same; pursuer produced his sasine upon a charter of apprising, 23 June 1667, and precept of warning, 21 March 1668, and defender produced no right and objected nothing to the contrary; 10 merks expenses.

*Eodem die* decerns David Oynes in Lessudden to pay to James Porteous in Plewland 24 l. due in a Ticket, 10 June 1667, by defender to pursuer; defender absent, ticket produced; 5 merks expenses.

*Eodem die* complaint by Agnes Mertoun, liferentrix of Old Melrose, and George Haistie there, her tenant, against Robert Forsan, miller in Newsteid, and many others, who 'dayly fisch upon the said Agnes her watter

of Tueid perteaneing to her betuixt Liddermouth and — without her licence or consent.' The bailie prohibits Forsan and all others to fish upon the said part of the river without her licence, under pain of ten merks for each contravention ; Forsan being asked by her if he had any right thereto, who declared he had none.

*Eodem die* decerns the following persons, pretended tenants, possessors and occupiers, viz. Michael Fischer in Darnick, George Hoy in Galtonsyde, Andrew Fischer of Wester Housbyre, Agnes Mertoun of Old Melrose, and George Haistie her tenant there, Robert Mein, portioner of Galtonsyde and Eildoun, Bessie Mein and James Litheheid her spouse, Jean Mean and Thomas Gray her spouse, John and Thomas Bell, weavers in Melrose, Alexander Maxwell, James Mairtine, William Wallace, weaver, William Wallace, merchant, Elizabeth Broun and John Hoy her spouse, Barbara Law, Alexander Ridpeth, indwellers in Melrose, Adam Darling and Margaret Boyd his spouse in Westhouses, George Hoy, Walter Vaitch, John Maben, Thomas Maben, John Halywall, maltman, Margaret Freir and John Mein her son-in-law, Robert Freir, John Bartoun, John Dinant, Elspeth Trotter and Robert Bowstoun her son, Robert Mein, mason, James Bowstoun, and Thomas Bowstoun his son, John Scott, George Bartoun Thomas Halywall, Henry Mylds, John Halywall 'Croce,' William Mertoun, tailor, Thomas Williamsone, indwellers in Galtonsyde, William Fischer in Newsteid, John Mein, maltman there, George Hownam in Bridgend, Nicol Merser there, Nicol Ushar there, Andrew Bowstoun there, John Merser 'Lochbreast' there, George Baittie there, and James Mertoun there, to flit and remove from the lands, tenements, yards, grass, pasturage, etc. possessed by them in these respective towns, so that John, Earl of Hadington, proprietor, may enter thereto and dispoine thereupon ; because the Earl, compearing by Andrew Phaupe, notary in Melrose, his procurator, produced his sasine of the said subjects, with precept of warning executed forty days before Whitsunday 1668 ; defenders absent.

*Eodem die* decerns Alexander Newtoun, piper in Melrose, to pay to William Bell, portioner of Melrose, 5 l. 15 s. 8 d. for maill and duty of a house in Melrose, Whitsunday 1667 to Whitsunday 1668 ; defender confessed ; 12 s. expenses.

*Eodem die* decerns Helen Donaldsone, lawful child and executrix of deceased James Donaldsone, portioner of Blainslie, and her tutors and curators, to pay to James Caldeleughe in Blainslie 20 l. as the price of 3 ewes and 6 wedders bought by her father from the pursuer in 1665 ; defender absent, pursuer deponed ; 40 s. expenses.

Melrose, 6 June 1668 ; Mr. Robert Maine.

Which day absolves Janet Landen and William Wilsone in Longhauch from action by William Calderwood, apothecary in Edinburgh, and Elizabeth Rankein his spouse, having right to the third of the lands of Langhauch and Appeltrieleaves, by apprising at their instance against Mr. William Dowgood, and sasine 2 August 1667, and claiming rent and duty from said Janet Landen, who possessed 2 houses and yard in Longhauch, paying 20 l. yearly, and from said William Wilsone, who possesses the lands of Longhauch called the Braidhauch, with teinds, pasturage of 30 sheep and a horse, and a house and yard there, paying 40 l. yearly. Janet Landen produced a contract of wadset, 1 March 1665, whereby Duguid dispoined to her under reversion the said two houses and yard, with the teind thereof, and instrument of sasine, 30 March 1668, made by Thomas Wilkiesone, notary, thereupon ; and William Wilson produced a contract and obligation, 3 December 1661, by Duguid to him of the foresaid subjects, and sasine by said notary thereupon, 27 June 1667.

*Eodem die* decerns Helen Donaldsone, portioner of Blainslie, daughter and executrix of deceased James Donaldsone, and her tutors and curators, to pay to William Greive in Blainslie 20 l. of fee for a year's service by the pursuer to her father in 1666 ; defenders absent, pursuer deponed ; 40 s. expenses.

*Eodem die* decerns Michael Fischar, in Eister Housbyre, John and Alexander Trotter there, to pay to Andrew Fischar of Wester Housbyre 12 l. modified for 4 bolls of oats eaten by the defender's beasts 'throw ther slouthfull hirling upon the ground of the lands posest be the said persewer and perteaning to John Trotter in Eister Housbyre,' in summer and harvest last; defenders, compearing by John Bunzie their procurator, denied, and George Wallace, pursuer's procurator, referred to their oaths, who alleged that the pursuer ought first to depone 'whither or not his oun bestiall eat any of it or not,' and deferred to pursuer's oath, who deponed that non of his beasts to his knowledge eat any of the forsaid cornes except a foull, quhich he referred to the baillies modificatione,' and also deponed that the defender's beasts ate the corn. Absolves from the additional half boll claimed, 'for the forsaid foull'; 24 s. expenses.

Melrose, 13 June 1668; Mr. Robert Maine.

Which day action at instance of Andrew Darling, elder, one of the three portioners of Appeltrieleaves, against John Fratter in Longhauch his rentaller, narrating that the lands of Appeltrieleaves are valued yearly to 760 merks in stock and parsonage teind, whereof his third part is 253 merks 4 s. 5d., and to 40 merks of vicarage yearly, his part being 13 merks 4 s. 5d., conform to decret of valuation, 15 December 1629, produced, and conform whereto the pursuer paid to the Earl of Hadington, titular thereof, from 1652 to 1667 exclusive; but the defender, who as rentaller possesses as much of the pursuer's third part as should pay yearly 8 l. 10 s. 4 d. of parsonage teind and 3 l. of vicarage teind 'for his lamb and nolt,' 1652 to 1667 exclusive, amounting for the fourteen years to 160 l. 2 s., refuses to pay the same to the pursuer. Pursuer compearing, with John Bunzie his procurator, produced a Precept of *Clare constat* by John, Earl of Hadington, to him as eldest son and nearest heir to deceased Peter Darling, portioner of Appeltrieleaves, in said lands, and sasine following thereon,

and foresaid decret of valuation, and discharges to him for his proportion of teind duty for 'Appeltrieleaves and Longhauch' prior to 1652, and thereafter to 1667 (exclusive); defender compearing, with George Wallace, notary in Melrose, his procurator; and it being shown by the discharges that Darling, prior to 1652, when 'the rentallers of Longhauch ther tak of the teynd did expyre,' paid to the Earl of Hadington 36 l. 16 s. of parsonage teind, and since that time paid 45 l. 6 s. 8 d. yearly, which is 8 l. 10 s. 4 d. more than formerly, the defender ought to have relieved him thereof at the Earl's hands, whereto the defender answered that 'he hes not bein in use to pay the said eight pounds 10 s. 4 d. for his personadge teynds nor 3 l. for his viccaradge, but only of fyve pounds of personadge and of 25 s. of viccaradge,' and offered to prove this by discharges, but in place thereof referred the same to pursuer's oath, who deponed that the defender John Fratter paid the parsonage teind of his rentalld land to the Earl of Hadington till 1652, when the foresaid tack expired, and since that time the pursuer pays 8 l. 10 s. 4 d. to the Earl for the defender's teind duty 'more nor he payed befor,' and for the vicarage 'being confest be the said defender to be tua sowme of sheip and tua soume of nolt and a halfe yearlie.' Pursuer and defender submitted to the bailie's modification, who modified 50 s. yearly since 1652, superseding extract for 8 days till defender should qualify by writ what he was in use to pay for his parsonage teind yearly. Then the defender alleged that when the four 'dayesmen' to whom the said controversy between the defender and deceased Peter Darling, pursuer's father, was submitted in 1656, found Fratter to be owing to Peter 4 years' parsonage teinds preceding crop 1656, they ordained Frater 'to allow to the said persewars father 20 l. to compleat the payment of the fower yeares teynd preceiding the said year 1656 exclusive off the forend of 70 l. quhilk they ordeaned the said persewars father and himselfe to pay to the said John Fratter defendar for ther wrongous spoolziatione of his goods, and ther rested fyftie pounds, quhilk he offerred him to prove be sua many of the

said dayesmen as are yett on lyfe'; and he says that the said Andrew Darling, 'in umquhile David Thomsones hous in Longhauch, did receive from him *in anno* 1661 or 1662, 20 l. quhilk compleated the payment of the personadge teynds cropt 1656, 1657, 1658, 1659'; and pursuer also received in name of the defender from Janet Pringle 'for the maill of ane hous of the defendars 4 or 5 years since or therby 5 l. for the personadge teynd cropt 1660, for quhich fyve pounds the persewer receaved powder plaits.' To the first the pursuer replied that having given his oath that the years' teinds libelled are still unpaid, the objection ought not to be heard; and denies the rest. The bailie reserves action to the defender against pursuer relative to the first objection, which is not here relevant; and admits the rest to defender's probation, who referred to pursuer's oath, who deponed and confessed he received the foresaid 20 l. in David Thomsone's house from the defender 'in part of payment of his rentall dewtie and personadge teynds,' and confessed also that he received 5 l. from Janet Pringle in defender's name also in part payment thereof. Thereupon the bailie decerns defender to pay to pursuer 8 l. 10 s. 4 d. of parsonage teind for the fourteen years libelled, and 50 s. yearly of vicarage teind for his lamb and nolt for the said fourteen years, extending in all to 154 l. 4 s., deducting 20 l. and 5 l. given in part payment as above.

*Eodem die* decerns William Wallace, merchant in Melrose, to make forthcoming to John, Earl of Hadington, or his chamberlains, 3 bolls of oats with the straw, lying in his barn, pertaining to Mungo Donaldsone, portioner of Melrose, in satisfaction of 9 l. 7 s. principal and 18 s. expenses in decreet, 23 May 1668, at the Earl's instance against Donaldsone; defender confessed.

*Eodem die* decerns Andrew Penman in Melrose and James Bowar there to pay to Andrew Phaue, messenger there, the former 13 l. for maill and duty of two acres of land in Dainyeltone 'taken be the said Andro from me for tua yeares, viz. from Witsonday 1666 to Witsonday 1668'; and the latter 36 l. 13 s. 4 d. for two years' rent of five acres

of land similarly taken, Whitsunday 1666 to Whitsunday 1668. Bowar alleged that he gave over the lands to Phaup at Yule last, for this year 1668, and Phaup entered thereto by tilling the lee land and sowing some of it; but Phaup denied, and it being referred by Bowar to his oath, deponed negative. Penman to pay 26 s. and Bowar 36 s. expenses.

*Eodem die* the bailie ordains the inhabitants of Melrose 'to obey the burly men therof, under the payne of 5 l. ilk persone whoe shall refuse or deforce the saids burly men present and to come.'

Melrose, 4 July 1668; Mr. Robert Mainie.

Which day decerns John Hoy in Galtonsyde to pay to Margaret Barrie there 6 l. 8 s. for rent and duty of a house in Galtonside, Whitsunday 1667 to Whitsunday 1668; defender confessed that sum, and denied rest of claim, which pursuer referred to his oath, who deferred to pursuer, who refused to depone; 12 s. expenses.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to John Kar, portioner of Melrose, 41 l. 19 s. 8 d. for 40 wedders bought from pursuer in November last; defender confessed; 10 l. expenses.

*Eodem die* decerns John Scott in Galtonsyde to pay to William Merton in Westhouses 9 l. 'as for the remayne of certaine cornes in hearvest last bowght and received be the said defender from the said persewar of his lands of Westhouses'; defender confessed; and as for 5 l. more acclaimed, ordains defender to prove how he paid the same to pursuer; 18 s. expenses.

Melrose, 11 July 1668; Mr. Robert Mainie.

Which day decerns Andrew Darling, elder, portioner of Appeltrieleaves, to pay to Andrew Davidsons, schoolmaster in Lilieslie, 5 l. as balance of a greater sum owing to pursuer; defender denied, and pursuer referred it to his oath, who failed this day to compear; 10 s. expenses.

*Eodem die* decerns David Kyll, smith in Lessudden, to pay to James Porteous in Stodrig 20 l. for four bolls of bear for the ferme of his lands in Lassudden possessed by defender, crop 1666, at 5 l. the boll ; and the same for crop 1667 ; defender absent, pursuer deponed ; 4 l. expenses.

*Eodem die* decerns Robert Clerk in Galtonsyde and William Wright, smith there, to pay to William Forsan in Ridpeth mill 4 l. as agreed price of a net bought by defenders from pursuer at Whitsunday 1667 ; defenders absent, pursuer deponed ; 8 s. expenses.

*Eodem die* decerns William Wilsone in Longhauch, Robert Landen there, Andrew Darling there, and John Fratter there, to pay to William Calderwood, apothecary burgess of Edinburgh, and Elizabeth Rankein his spouse, as having right by apprising [to the lands of Appeltrieleaves and Longhauch pertaining to deceased Mr. William Duguid as follows : Wilson, 8 l. for rent and duty of a house built by himself, conform to Tack by Duguid to him dated 1 February 1667, for Martinmas 1667 and Whitsunday 1668 ; Landen, 6 l., 2 hens and 2 days' work of a woman, with the teind lint of the yard, conform to Tack by Duguid to him, and that yearly from Martinmas 1672 [*sic*] ; Darling, 85 l. for rent and duty of the lands of Appeltrieleaves and Longhauch possessed by him, pertaining to Duguid and consequently to pursuers, Whitsunday 1668, deducting the feu duty and public burdens that defender can instruct to have been paid for said term ; and Fratter, half a boll of bear, or 3 l., with 8 s., and a day's work of a man and horse in oatsowing time, bearsowing time, leading of corn in harvest, and carrying corn to the mill, respectively, or 5 merks ' for the samen,' with 4 days' shearing at 4 s. per day, *inde* 16 s., for rent and duty of certain lands in Longhauch possessed by him and pertaining to Calderwood, crop 1667, conform to the rental set by deceased Andrew Darling ' Eister,' author to the said Mr. William Duguid who was author to said William Calderwood, to the said John Fratter on 7th January 1643 ; and absolves Darling from maill and duty, Martinmas



1666 and Whitsunday and Martinmas 1667; because Wilson and Land [*sic*] produced their tacks, and Frater his rental, and declared they had paid all terms preceding the above; and Darling alleged that his mail for Martinmas 1666 and Whitsunday and Martinmas 1667 was arreisted in his hands and assigned by Mr. William Duguid to William Williamsone in Galashiels, and produced Duguid's assignation to Williamson, and John Bunzie, procurator for pursuers, desired Darling to depone 'whither or not it was maid in defraude of creditors or not,' who deponed negative.

Melrose, 18 July 1668; Mr. Robert Maine.

Which day decerns John Coitt in St. Boswells to pay to Janet Miller, spouse to William Walker, weaver in Darnick, 50 merks contained in a Ticket by him to her 'wanting a daite' but about 3 years ago; defender absent, ticket produced; 3 l. 6 s. expenses.

*Eodem die* decerns Mr. John Lythgow, John Young, William Anderson, John Andersone, John Broun, William Denhame, William Huntar, William Bell, feuars and possessors of Ridpeth, each to pay to Mr. Robert Maine of Lochwood, factor and chamberlain to John, Earl of Haddington, 'ane long cariadge for ilk pleughe gait of land possest be them for this yeare *anno* 1668, conforme to use and wont'; defenders absent.

*Eodem die* absolves William Wilsone, weaver in Longhauch, from action by John Frater, portioner of Longhauch, 'for certaine lands dispoined be the said defendar William Wilsone to the said persewar and quhilk the said defendar is in possessione of and conteaned in the said dispositione daited 14 day of July 1650, and in this instrument of seasing daited the — day of —; defender compearing, with John Bunzie his procurator, denied having any lands that are contained in the disposition, and asked that pursuer condescend what lands are contained therein that Wilson is possessing, which pursuer and his procurator, George Wallace, refused to produce.

*Eodem die* decerns William Ker in Longhauch to pay to Robert Ormestone in Galtonside 6 l., 4 l. whereof was borrowed at Martinmas 1666, and the rest due for drink and other necessaries; defender absent; 12 s. expenses.

Melrose, 24 July 1668; Mr. Robert Maine.

Which day decerns John Young and James Smyth in Thriepwood 'to delyver up these tua waife sheip, viz. a yew lamb and ane hog in Thripwood, in ther hands and custodie, to James Edgar, procurator fiscall, becaus the said sheep being proclaimed waife at the kirk door on Sunday and mercat croce on ane mercat day be Andro Kenniddie, officer, and non compearand to ounie them,' and defenders being cited and absent, they were held as confessed.

*Eodem die* decerns James Gastoun in Lassudden and John Fairbairn there to pay to Walter Scott of Raeburne, the former 14 l. for 3 bolls of bear as the ferme of a quarter of a husband land in Lessudden, crop 1667; and the latter 3 l. 2 s. 4 d. as balance of his ferme bear for a half husband land, crop 1666, and 9 l. 2 s. 8 d. for balance of the same, crop 1667; defenders cited by John Coitt, officer, but not compearing, and held as confessed; Gastoun's expenses 28 s. and Fairbairn's 26 s.

*Eodem die* decerns William Edgar, portioner of Melrose, to deliver up to James Eillies, portioner there, Adam Lythgow, portioner there, and James Edgar, younger, there, for themselves and the rest of the feuars of Melrose, the extract of a decret at instance of the feuars of Melrose against Thomas Law, weaver there, before the sheriff of Roxburgh (*no date*) for principal and expenses (*blank*) for two months' cess uplifted by him from the pursuers 'and wherwith he ran away' and they had to pay over again to the collector; the pursuers paying Edgar 4 l. 10 s. 4 d. disbursed by him on their behalf to obtain the said decret. Defender compearing acknowledged the decret and produced his account, 'and declaired upon his honest word he had receaved nothing therof from the toune of Melros.'

*Eodem die* decerns Thomas Wadderston in Craiksfuird to pay to Andrew Ogilvie, servitor to Longshaw, 39 s. as the price of a 'Dinmont sheep,' herded by the defender in Eister Housbyre, and bought by the pursuer from William Wallace, merchant in Melrose, who bought it from John Trotter of Eister Housebyre, 'and lost be the said defender throw his evill herding'; defender absent; 4 s. expenses.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to Andrew Mar, for himself and the rest of the feuars of Galtonsyde, 23 l. 12 s. contained in a decreet obtained by the feuars of Galtonsyde before the sheriff of Roxburgh, 25 January 1653, against the defender; decreet produced, and Law compearing offered to prove the same paid, but succumbed; 3 l. 6 s. 8 d. expenses.

Melrose, 31 July 1668; Mr. Robert Maine.

Which day decerns John Mylne, officer in Newtoun, to deliver to John Lamb, servitor to Francis Kinloch of Gilmerton, 18 waif lambs pasturing in Newtoun and apprehended upon Newtoun ground on 7 July 1668, being St. Boswells day; because Lamb deponed that 8 of the said lambs pertained to Francis Kinloch, and other 8 to Alexander Smyth, and other 2 to David Congilton, 'which were bought be them at Sanct Boswells fair being the 7 day of July 1668 forsaide, and lost upon Newtoun ground'; the said John Lamb always satisfying the feuars of Newtoun 'for quhat skaith they have done, for the grass and officers fies.'

*Eodem die* decerns Thomas Wadderstone in Eister Housbyre to pay to Alexander Lythgow of Drygrainge 26 s. for a hog lost by the defender (being herd in Eister Housbyre) to the pursuer, and absolves defender from other four sheep claimed, 'he giveing on of the skines therof'; defences repelled, and defender to give oath whether or not he promised to keep the five sheep, who deponed negative except the foresaid hog and a hog that died whereof he has the skin; 5 s. expenses.

*Eodem die* decerns Robert Forsan, miller in Newsteid, to pay to Robert Clerk in Galtonsyde and William Wright, smith there, 4 l. promised to be paid to them on 19 June 1668 'for certaine fishes taken be the said defendar upon Drygrainge watter (quherof the saids persewars ware taks-men) anno 1667 and befor Witsonday 1668'; defender denied, pursuers proved same by depositions of James Bowstoun, Walter Vaitch and John Halywall, elder, portioners of Galtonsyde; 8 s. expenses.

Melrose, 15 August 1668; Mr. Robert Maine.

Which day decerns Marion Smyth in Longhauch to remove from the lands of Longhauch pertaining to Andrew Darling, younger, portioner there, with the grass and pasturage, that he and others in his name may enter to possession; defender absent; pursuer (by John Bunzie his procurator) produced sasine of third part of the lands of Appeltreeleaves and Longhauch, and precept of warning; 6 l. expenses.

Melrose, 22 August 1668; Mr. Robert Maine.

Which day absolves Robert Maben in Dainzeltoun from action by Walter Turnbull of Bewlie, narrating that on 14 August instant the defender agreed to serve the pursuer as ploughman from that day till Martinmas next, for 10 l. Scots, half a boll of bear, an old coat, and a pair of new shoes; but he deserted the service. Defender 'alledged he was not able to hold the said persewars pleughe and indure his service in regard of his inabilitie and infirmenes,' which pursuer referred to his oath, who deponed thereupon.

Melrose, 25 August 1668; Mr. Robert Maine.

Which day decerns Janet Sheill, lawful daughter of George Sheill, weaver in Melrose, to enter to the service of Alexander Newtoun, piper, till Martinmas next, he paying her 36 s. and a pair of new 'shewes' for last term's fee (Whitsunday); defender confessed she was feed, but the defender's wife 'strak her away.'

*Eodem die* decerns Thomas Merser in Drygrange to pay to William Bowstoun, herd in Galtonsyde, 6 l. for 10 threaves of oat straw bought from pursuer at Yule 1667 at 12 s. the threave ; defender absent, pursuer deponed ; 12 s. expenses.

Melrose, 3 October 1668 ; Mr. Robert Maine.

Which day decerns James Merser and John Mein, maltman, portioners of Newsteid, and Andrew Mein, mason there, to deliver to John, Earl of Hadington, the ferme beardue by them to John Mein, eldest lawful son of deceased Barnard Mein, portioner of Newsteid, and John Davidstone there, his curator, for the lands in Newsteid and Annay possessed by them and pertaining to the said John Mein, John Davidstone and Barbara Anderson his spouse, crop and year 1667, viz. by Merser 5½ bolls, Teviotdale measure, and by the rest the whole of what they owe, deducting public burdens, and arreisted in their hands in part payment of 200 merks of principal, with annual rent and expenses, in Bond, 4 April 1666, by said John Mein and John Davidstone to the Earl, with decret, 22 September 1668 at registration of the bond. Merser and John Mein compeared and confessed, Andrew Mein absent, and John Rodger, writer in Edinburgh, to whom the lands of Newsteid pertaining to John Mein are dispoed, compeared and consented to the sentence.

*Eodem die* decerns all and sundry the following to pay to Thomas Wilkiesone, clerk of Melrose, and collector of the stent imposed by the parish in 1664 for repair of the kirk of Melrose, their respective proportions thereof as follows, viz. — Alexander Lythgow of Drygrange, 4 l. 5 s. 4 d. ; Mr. William Wallace of Hagburne, 7 s. 10 d. ; Mr. John Scot of Longshaw, 1 l. ; George Pringle of Buckholme, 7 l. 17 s. ; Isobel Lythgow, for Sorrowlesfeild, 8 s. 6 d. ; for Kaidslie doors, 8 s. 6 d. ; Agnes Merton of Old Melrose, 8 s. 6 d. ; John Pringle of Williamlaw, 5 l. 12 s. ; Robert Trotter of Eister Housbyre, 8 s. 6 d. ; Mr. James Daes, for his lands of Craiksfuird, 1 l. 8 s. ; the

remanent feuars of Craiksfuird, 8 s. 8 d. ; James Pringle, Colmeslie, 5 l. 18 s. 8 d. ; Andrew Fischer of Wester Housbyre, 5 s. ; William Fischer, portioner of Easter Longley, 1 l. 4 s. ; John Thine, John Stirling, Edward Darling, John Pringle, and John Sounhous, portioners of Blainslie, for themselves and remanent feuars of Blainslies, 18 l. 18 s. 4 d. ; John Hall, John Lythgow, and William Moffett, 'Laird,' for themselves and remanent feuars of Thriepwood and Newhouses, 1 l. 0 s. 8 d. ; Andrew Darling, William Wilsone, and John Fratter, portioners of Appeltrieleaves and Longhauch, 5 l. 15 s. 6 d. ; William Bell, portioner of Galtonsyde, for himself and remanent feuars of Galtonsyde and Westhouses, 8 l. ; John Mein, maltman, and Andrew Mein, mason, portioners of Newsteid, for themselves and rest of the feuars of Newsteid, 3 l. 12 s. Defenders being absent are held as confessed ; 2 s. in the £ expenses.

Melrose, 10 October 1668 ; Mr. Robert Maine.

Which day decerns James Merser, portioner of Newsteid, to deliver to John, Earl of Hadington, 5½ bolls of bear due by him to John Rodger, writer in Edinburgh, for the ferme bear of lands in Newsteid possessed by said James Merser and pertaining to John Mein, son of Barnard Mein, portioner there, and the said John Rodger, crop and year 1668, and arreisted in part payment of Bond for 200 merks, 4 April 1666, by said John Mein and John Davidsone in Ersiltone, his curator, to the Earl, and decreet thereanent, 22 September 1668 ; defender confessed.

*Eodem die* decerns Edward Darling, portioner of Blainslie, 'to put up ane litle barne promitted be him to Jennett Spotswood, his mother-in-law, and to keip the samen windteight and watterteight to her dureing her lyftyme allenerlie,' and the said Janet to pay to him yearly 40 s. Scots therefor, conform to their agreement, 'and to have the divot earth of the land possest be the said Jennet Spotswood his mother-in-law' ; for both parties referred the controversy to John Darling, Edward's brother, who

deponed as to the bargain about the barn ; and Edward Darling referring to William Darling, lawful son of Janet Spotswood, anent the divot earth for thatching the barn, the said William deferred to Edward's oath, who deponed positively.

*Eodem die* complaint by John Kar, portioner of Melrose, against Andrew Phaupe, officer there, narrating that the pursuer having caused certain workmen whom he hired 'inclose ane peace of ground perteaning to him in Melrose called the Walker croft,' the defender (by what warrant the pursuer knew not) came, and in name of the bailie principal of the regality of Melrose and his deputes did prohibit and discharge the workmen from further working and enclosing the said ground 'by bigging a dyk therabout,' contrary to the Act of Parliament anent enclosing and parking, whereupon the workmen ceased, to his great prejudice. He craves production of the warrant, and that four or five honest men be appointed to visit the dyke and see if it is upon the complainer's own ground of Walkercroft and set down march stones between the said ground and Pryorwood. The bailie ordained Adam Lythgow, portioner of Melrose, James Wallace, elder, there, William Edgar there, Mark Blaikie there, and John Lowrie there, to visit the ground of Walkercroft and try the marches and set down march stones ; who reported 'that the thrie marchestones upon the west end and the dyk head east from thence is the marche bettixt Walkercroft and Pryorwood to the best of ther knowledge,' to which the bailie interpones his authority and declares the same 'to be the only march betuixt Walkercroft and Pryorwood in all tyme heirefter.' (Nothing further.)

*Eodem die* decerns William Bell, portioner of Galtonsyde, to make forthcoming to James Edgar, fiscal, 6 l. 10 s. due by him to George Pringle, natural son of George Pringle of Buckholme, and arreisted in part payment of 10 l. contained in decret at the fiscal's instance against said George Pringle ; defender confessed.

Melrose, 20 October 1668 ; Mr. Robert Maine.

Which day decerns James Archbald in Lassudden and Mungo Patoun there, Andrew Riddell there, James Crawford there, John Thorbrand there, John Lithan there, John Patoun, elder and younger, there, Robert Cochrane there, Thomas and David Unes there, to pay to John Mein, maltman, tacksman of the mills of Melrose, and James Edgar, fiscal, as follows :—Mungo Patoun and James Archbald, brewers, to pay to Mein half a boll of malt or 3 l. Scots as the multure of 10 bolls of malt abstracted by each of them from the mills of Melrose ‘ in tyme of drouth and frost ’ when the mill of Newtoun ‘ wants watter,’ at which time they are thirled to the mills of Melrose, and 2 fulls of humble corn or 40 s. as the multure of 6 bolls of humble corn, and 3 pecks ‘ shilling ’ or 36 s. as multure of six bolls of oats, abstracted by them as above, since 1660 ; and the rest of the persons foresaid, each of them 5 pecks ‘ shilling ’ or 3 l. as the multure of 10 bolls of oats, and half a boll of humble corn or 50 s. as multure of 10 bolls of humble corn abstracted as above ; and each of the defenders to pay to the fiscal 10 l. of a fine for the said abstraction. Defenders absent and held as confessed.

Melrose, 31 October 1668 ; Mr. Robert Maine.

Which day compeared Mary Rodger, wife of William Andersone, portioner of Ridpeth, and ratified a heritable Bond granted by said William and her, with consent of John Rodger, writer in Edinburgh, to deceased James Lythgow of Drygrainge and William Lythgow in fee, for the annualrent of 22 l. corresponding to 550 merks of principal, to be uplifted from their husband land in Ridpeth called Coitsland, and dated 5 May 1664 ; declaring her consent to be voluntary and foreseeing her own profit.

*Eodem die* decerns William Lythgow, lawful son of deceased James Lythgow of Drygrange, and Thomas Lythgow in Ersilton his brother, and tutor, for his interest, to exoner and discharge William Andersone, portioner of



Ridpeth, of the bygone annualrents of the principal sum of 357 l. 6 s. 8 d., and of the principal sum itself, contained in a Bond of corroboration by said William Anderson as principal and George Bell as cautioner, to deceased James Lythgow of Drygrainge, on 3 August 1655 ; and to deliver up the said bond to Anderson ; because Thomas Lythgow confessed that said deceased James Lythgow had received the said bond from Anderson and Mary Rodger his spouse to said James in liferent and said William Lythgow, his son, in fee, and referred to the granters' oaths what of the annualrents they had paid, who deponed they paid as follows, on 26 July 1659, 20 l. ; at Michaelmas 1661, 20 l. ; for 5 firlots of pease, 10 l. ; for 2 ' gryses,' 3 l. ; in money, 6 l. ; and on 13 Decembar, paid by said George Bell for them 66 l. 13 s. 4 d. ; ' and for the soume of sex pounds Scots as the pryce [*sic*] sold and delyvered them to the said umquhill James Lythgow ' ; extending in all to 131 l. 13 s. 4 d., which they paid to James Lythgow in his lifetime, in full payment of the annualrents.

*Eodem die* decerns Thomas Bell, portioner of Eister Langley, to pay to Sir Thomas Ker of Fairnielie 10 l. as price of ' ane Munrois pistoll with silver barrs ' taken by the said Thomas from William Tait, servant to the said Sir Thomas Ker ; defender denied, alleging the weapon was gifted to him, and offered to prove same, but instead referred all to oath of Sir Thomas Ker, who deponed he never gifted the same ; and found James Ker, elder, in Melrose, cautioner for him to answer the said Thomas Bell as law will ; 20 s. expenses.

*Eodem die* decerns Alexander Lythgow of Drygrange to pay to David Denhame in Melrose 3 l. 10 s. received by Thomas Mylne, sometime his servitor, in defender's name from William Denhame, the pursuer's father, in part payment of ' ane steip of beare ' sold by defender to William Denhame but never delivered ; defender desired pursuer to prove, who referred to defender's oath whether or not he received 12 s. ' in earnest of the bear,' who confessed the same but denied receiving any more ; and Thomas Mylne

deponed he received a dollar conform to defender's letter sent with him. Expenses, 7 s. William Denhame assigned, 6 June 1668, to David Denhame his right to the same.

*Eodem die* decerns Thomas Gray, indweller in Danyelton, to pay to Andrew Wallace, weaver in Melrose, 5 l. borrowed in July 1667 ; defender confessed ; 10 s. expenses.

*Eodem die* decerns James Lithane in Galtonside to pay to Mr. John Lythgow, portioner of Ridpeth, 4 l. as balance of defender's proportion of the pursuer's fruit of his yard in Ridpeth bought by the defender from him in 1667 ; defender absent ; 8 s. expenses.

Melrose, 14 November 1668 ; Mr. Robert Mainie.

Which day decerns Alexander Trotter in Eister Housbyre to pay to Isobel —, servitrix to Drygrange, 5 l. as fee for half a year's service wrought by her to him, Martinmas 1666 to Whitsunday 1667 ; defender confessed ; 12 s. expenses.

*Eodem die* decerns John Halywall, elder, portioner of Galtonsyde, and Robert Halywall, portioner of Darnick, his eldest lawful son, to deliver to Thomas Halywall, weaver in Galtonsyde, a formal discharge for 300 merks received by said John in name of tocher with the deceased Isobel Halywall, 'first lafull spous to the said Robert Halywall and sister to the said Thomas Halywall,' whereof 100 merks was received from said Thomas, another 100 from Robert his brother, and another 100 from Helen Philp his mother. Defender confessed ; 5 merks expenses.

*Eodem die* decerns James Mein, portioner of Eildoun, to pay to Alison Andersone, wife of James Rodger, cordiner in Edinburgh, 20 l. for fees for two years' service wrought by her to him in 1655 and 1656, and 4 l. borrowed by defender's wife from her at that time. Defender confessed that she served him, but alleged she took Jean Cairncroce, her own mother, debtor therefor, and adduced William Anderson in Ridpeth, John Broun, elder and

younger there, for proof, who all deponed that none heard her take her mother debtor for the defender for the said sums, but heard her crave repayment of the 4 l. lent to his wife, and this he promised to pay; and Andrew Cairncroce in Ridpeth being commissioned to take the deposition of said Jean Cairncroce (in respect of her infirmity), she deponed that Mein proposed no such thing as that she should be debtor for him. 48 s. expenses.

*Eodem die* decerns all and sundry the feuars and possessors of the lordship of Melrose to pay to John, Earl of Haddington, and his chamberlains their respective feu duties for Martinmas 1668 and bygones, conform to the rental; defenders absent; 2 s. per £ of expenses. [No names given.]

Melrose, 28 November 1668.

Which day decerns John Lythgow in Newhouses to deliver to James Edgar, fiscal, 'ane black beld ox with tua hindermost whyte feett which was apprehendit waif be him goeing upon his ground of Newhouses upon Michaelmes day at even last, and declairs the samen to be waiffe now and in all tyme comeing and to apperteane to the said James Edgar, procurator fiscall, deduceing, allowing, and paying to the said John Lythgow, defender, at the recept of the said ox thrie pounds Scots of expenses, cost and skaith susteained be him in keiping of the said ox 20 dayes.' Defender confessed having the ox, and fiscal produced two executions by Andrew Kennidie, officer, who proclaimed the ox at the kirk door on two Sundays and at the market cross of Melrose on two market days, and none claimed the same then or since.

*Eodem die* decerns James Moffet in Drygrange to pay to William Fischer, portioner of Easter Longley, 12 s. as the half of the price of 3 over 'sowmes' pastured by him upon Eister Longley in 1665 as tenant to Thomas Bell there and neighbour to the pursuer, and absolves him from the rest of the claim by Fisher, viz. 'for keiping ane summe more,

1665, ane summe, 1666, and for cutting to the [said] William Fischer 4 allar trees pryce and worth ilk one 1 l. 10 s., and for eating and destroying his cornes and grass and teather[ing] his horse amongst the said persewers cornes and grass in hearvest 1667 fourtie nights pryce and worth 20 l.; which particulars the pursuer referred to defender's oath, who confessed the three 'over sumes' in 1665, being only 3 stirks, and deponed negative as to the rest.

Melrose, 5 December 1668; Mr. Robert Maine.

Which day absolves John Moss, elder, portioner of Darnick, and Nicol Merser there, for themselves and remanent feuars of Darnick, from action by Thomas Law, weaver in Melrose, against them for 10 s. in each 100 l. of valued rent of Darnick promised by them to him in 1654 'for his service to the Inglishes yearlie and ilk yeare dureing the hail space of the said persewers service quhilk was for the space of sex yeares extending yearlie conforme to the valued rent of Darnick (quhich is 530 l.) to fyftie thrie shilling Scots, *inde* in sex yeares fyftein pounds eightein shilling Scots'; defenders denied, pursuer referred to their oaths, who deponed negative.

*Eodem die* decerns Robert Laidlaw, tenant in Allatshawes, and William Cairncroce his master, to pay to Robert Mein of Eist Moriestoun 50 l. 13 s. 4 d. of principal with 4 l. expenses due by Laidlaw to his master and arreisted for 40 l. principal and 10 merks expenses contained in Bond, 19 September 1666, by Cairncroce to Mein, and decreet thereupon, 11 November 1667; defender compeared by George Wallace his procurator and denied owing anything to Cairncroce at time of arreistment, which pursuer (by John Bunzie his procurator) referred to his oath, who failed to compear and depone; said 4 l. expenses.

*Eodem die* decerns Grizel Scott, widow in Darnick, to pay to Alexander Trotter in Eister Housbyre 4 l. for two stacks of peats bought by her and her servants from the

pursuer out of his moss of Eister Housbyre in harvest 1667 ; because pursuer deponed the debt was owing ; 8 s. expenses.

*Eodem die* decerns Philip Darling in Longhauch and William Ker in Galashiels to pay to William Calderwood, apothecary, burgess of Edinburgh, appriser of the third part of Appeltrieleaves and Longhauch, sometime pertaining to Mr. William Duguid, the former 4 l. and the latter 30 s., and 4 small fulls of bear or 45 s., as maill and duty of certain lands in Longhauch possessed by them, Whitsunday and Martinmas 1667 and Whitsunday and Martinmas 1668 ; defenders absent ; each 8 s. expenses.

*Eodem die* decerns Walter Ker, merchant in Melrose, to pay to John Broun, merchant in Coldstream, 24 l. 18 s. for merchandise bought in June last conform to account, to be paid on 25 July thereafter ; defender absent ; 48 s. expenses.

Melrose, 12 December 1668 ; Mr. Robert Mainie.

Which day decerns Michael Gibsone, flesher in Melrose, to pay to Alexander Trotter of Eister Housbyre 4 l. as balance of price of tups bought about 2 years ago from pursuer ; defender denied, but pursuer adduced John Maxwell in Melrose and John Bell there, who deponed they heard the said Michael promise payment, and pursuer also deponed he had received no part thereof ; 8 s. expenses.

Melrose, 19 December 1668 ; Mr. Robert Mainie.

Which day decerns John Naper in Williamlaw to pay to John Pringle of Williamlaw 40 l. as price of 6000 divots ' casten, fitted and ricked ' by Pringle on his own ground of Williamlaw and wrongfully intromitted with by Napier in June or July 1668, and 16 l. as price of the grass of 40 sheep pastured by Napier, when he was herd in Williamlaw upon the pursuer's ground more than he ought to have had pastured, in 1666 ; defender absent, decerns, superseding extract for eight days ; 5 l. expenses.

*Eodem die* absolves Robert Blaikie, herd in Hagburne, from action by John Duncan in Ilarae, narrating that Blaikie was herd in Williamlaw in 1667 and received some sheep from the pursuer to herd, but lost a wedder sheep worth 4 l. and a ewe worth 3 l., and should produce skin and birne or else pay the worth; defences repelled, proposed by defender and Andrew Phaupe his procurator, in respect of answers by pursuer and George Wallace his procurator and admitted to pursuer's probation, who adduced John Wilsone in Laodupmoor, William Taite in Williamlaw, John Patersone in —, and George Wilsone in Thriepwood, who all deponed 'negative that any of them did sie the foresaid sheep delyvered be the said persewer to the said defender or that the defender lost any of them.'

*Eodem die* absolves John Bell, weaver in Melrose, from action by Michael Gibsone, flesher in Melrose, complaining that five years ago Bell wrongfully took away 'ane bee skep with bees' pertaining to him out of Mr. John Lythgow's yard in Melrose then possessed by him, worth 21 merks; also 'the ofspring and profite therof yearlie thrie hyves of bees extending to fiftein hyves of bees, pryce and worth ane hundereth pounds Scots,' in all 113 l. 13 s. 4 d. Defender alleged the bee-skep was gifted to him by pursuer, and adduced George Merton, tailor in Melrose, and Andrew Merton his brother, who deponed the pursuer did gift the same to the defender.

*Eodem die* decerns Margaret Broun, widow in Melrose, to pay to John Coitt, officer in Lassuden, 3 l. 1s. 4 d. as balance of price of wheat bought from him some years ago; defender referred to pursuer's oath whether or not he directed her to pay that sum to Barbara Ker (and which she alleged she paid), who deponed he never ordered her to pay the same to Barbara Ker; 6 s. expenses.

Melrose, 26 December 1668; Mr. Robert Maine.

Which day decerns Andrew Mein, mason in Newsteid, and John Mein, eldest lawful son of deceased Barnard

Mein, portioner of Newsteid, and John Davidstone in Ersilton, his curator, to pay to John, Earl of Haddington, 2 bolls and 2 pecks of bear, Teviotdale measure, due by said Andrew to said John Mein and arreisted in part payment of 200 merks in bond, 4 April 1666, by John Mein and his curator to the Earl, and decret 22 September 1668, thereupon; defender confessed owing the same for crop 1668, deducting public burdens paid out by him for the lands of Coatyairds possessed by him.

*Eodem die* decerns Jean Cairncroce, widow in Ridpeth, to pay to William Kenniddie and Bessie Anderson his spouse 'as ane of the executors to umquhill Thomas Anderson, maltman in Kelso, and as assignay from Thomas Fallay, merchand in Kelso, and Issobell Andersone his spous, ane other of the executors,' 19 l. due by her to said deceased Thomas Anderson by decret of the sheriff of Berwick 17 October 1661, at his instance against her. Precept produced, also testament of Thomas, and assignation on 18 December instant by Fallay to Kennedy; 40 s. expenses.

*Eodem die* absolves George Haistie in Old Melrose and Robert Haistie, his son, from action by Agnes Merton, liferentrix of Old Melrose, narrating that in October last the defenders' 'ther stoned horse did kill ane meare pertaining to the said Agnes Merton,' worth 30 l. Scots, 'and gott the skine and shoes of the said meare' and promised her the full worth that the mare should be estimated to by James Mein, smith in Newsteid, and John Heitoun, weaver [there?]; and decerns them to pay to her 18 s. for the hide and shoes. Defenders denied, and it being referred to their oaths, they confessed that the hide and shoes of the mare were brought into their house by the pursuer and lie there still, but deponed they never promised the worth of the mare, only George Haistie said to the pursuer 'that his sone and her should never be hard for the meare, and bad his man only help out with the mear out of the hous quher she was dead but bad him not middell with the skine nor shoes.'

*Eodem die* decerns William Ker, portioner of Newtoun, to pay to George Wallace, notary in Melrose, 24 l. as two years' annualrent (1666 and 1667) of 300 merks due by Bond granted to Mr. Michael Wallace, who assigned to pursuer; defender absent; 48 s. expenses.

*Eodem die* decerns William Fischer, portioner of Eister Longley, to pay to James Moffett in Drygrange 3 l. 6 s. 8 d. modified for a boll of oats eaten and destroyed by his beasts on the ground of Eister Longley possessed by Moffet and pertaining to Thomas Bell, 1667; defender refused to depone, held as confessed, but desired pursuer to clear his own beasts, who deponed they ate none after Whitsunday 1667. John Hownam in Bridgend and Nicol Merse there deponed that in harvest 1667 they comprised the corn eaten to 3 bolls of oats, 'quherof ther was some evill threaven and eaten befor Witsunday 1667,' so the bailie modified one boll eaten before Whitsunday, and another boll for Thomas Bell's beasts; 7 s. expenses.

*Eodem die* decerns John Anderson *alias* 'Jeames John,' portioner of Ridpeth, 'aither to purge and releave James Garner in Ridpeth and John Winter there ther cornes in Ridpeth quhich grew upon the lands of Craighous anno 1668 perteaning to the said John Andersone of all arristments laid on at the instance of John, Earle of Hadington, for the soume of ten pounds Scots awand be him to the said Earle for the few dewtie of the saids lands of Craighous possest be them and pertining to him, or otherwayes to mak payment to them of the said ten pounds for ther releiff of the samen few dewtie'; defender confessed he promised to relieve them thereof; 24 s. expenses.

*Eodem die* decerns Janet Brotherstones, wife of James Archbald in Lassudden, to pay to James Gastoun in Templehous, 8 l. 12 s. in Ticket, 13 December 1665, by her to pursuer, witnesses being David Unes in Lessudden and John Maben in Maxtoun, and 20 s. modified for a firloft of bear owing by defender to pursuer, crop 1667, and 20 s. as balance of price of wheat bought from pursuer about



2 years ago ; James Archbald alleged the sums were paid, and referred to pursuer's oath, who deponed the debts were justly owing and no part paid ; 20 s. expenses.

Melrose, 9 January 1669 ; Mr. Robert Mainie.

Which day the bailie ordains the clerk of court to register the bonds granted by John Bunzie, portioner of Newsteid, and Mark Blaikie, portioner of Melrose, to the minister and elders and kirk session of Melrose, and direct precepts thereupon at the instance of the present minister and elders against them.

*Eodem die* decerns all and sundry the inhabitants of the parish of Melrose to make use of the two mortcloths now provided by the kirk session, and to pay the due for the same, viz. 40 s. for the velvet, and 12 s. for the ' stuffe ' mortcloth, and discharges them from keeping or using any other mortcloth under a penalty of 5 l for each contravention ; this to be intimated at the market cross and kirk door.

*Eodem die* Thomas Bell, portioner of Easter Longlie, was fined 50 l. for blooding John *alias* Jock Ker, and other 50 l. for being in the bloodwit, ' and to redeliver him 58 s. ' ; defender absent, pursuer deponed.

*Eodem die* decerns Andrew Fisher of West Housbyre to pay to Alexander Trotter 30 s. ' for ilk ane of sex oxen tailles his dog at his hounding pulled away ' ; proven ; 18 s. expenses.

*Eodem die* absolves John Sklaiter, son of Richard Sklaiter, portioner of Eildon, from action by Janet Bowar, only lawful daughter of deceased Thomas Bowar weaver in Minto, who was eldest lawful son of deceased Thomas Bowar portioner of Eildoun, for exhibition of writs ; defender deponed negative.

*Eodem die* decerns Andrew Phaupe, Adam Lythgow, and James Waughe and James Patersone in Danzielton burlamen, to pay to Andrew Penman 8 l. ' for his serveing of the

calsay men at Melros,' and 58 s. 'for his attending the cairts,' because he deponed he wrought as much work as the 8 l. comes to ; 22 s. expenses.

Melrose, 16 January 1669 ; Mr. Robert Mainie.

Which day decerns Patrick Lukupe, wright in Melrose, to pay to James Edgar, fiscal, 10 l. for striking Robert Gairner there, and the said Robert to pay 5 l. ; proven by witnesses.

*Eodem die* decerns William Ker, portioner of Newtoun, to pay to Robert Cook, lawful son of Andrew Cook, portioner of Melrose, 5 l. of fee from Whitsunday 1666 to Martinmas 1666 ; defender absent, Andrew Cook deponed.

Melrose, 23 January 1669 ; Mr. Robert Mainie.

Which day decerns James Milne in Melrose and Mungo Donaldsone, portioner there, to pay to John, Earl of Hadinton, etc., 8 l 2 s. due by him to Donaldsone and arreisted for payment of the said Donaldsone's Annay ferme bear, crops 1666, 1667 and 1668, and feu duties and vicarage for his tenement, said crops, due to the Earl ; defender confessed ; supersedes extract till Whitsunday.

*Eodem die* decerns Isobel Thomsone, widow of Thomas Wilsone, mason in Galtonside, to pay to Robert Bunzie, mason in Newsteid, 58 s. as balance of 7 l. of maill and duty of a house and yard in Galtonside set by him to her from Whitsunday 1668 to Whitsunday 1669, deducting 24 s. for damage sustained by her through pursuer's not keeping the house watertight. She confessed taking the house and yard, and alleged 4 l. 2 s. paid. Expenses 8 s.

*Eodem die* decerns William Denham, portioner of Ridpeth, to pay to Isobel Lythgow, goodwife of Sorrolesfeild, 52 l. 10 s. for 5½ bolls of bear 'bought and receaved be him from her of 20 bolls beir bought be him frae her in Apprill 1666,' and 7 l. 10 s. as balance of price of oats received from her in 1666 ; John Bunzie, defender's procurator, 'past

from his compeirance,' and pursuer deponed the defender owed the foresaid sums ; 6 l. expenses.

*Eodem die* decerns Thomas Ker in Newtoun to pay to Gavin Elliot of Grange ferme bear and vicarage for the croft in Midlim called the Toftcroft possessed by him and pertaining to the pursuer, viz., for crop 1662, 3 fulls of bear, at 6 l. 16 s. ; for crop 1663, 3 fulls of bear, 3 l. 16 s. ; crop 1664, 3 fulls of bear, 3 l. 12 s. conform to the respective fiar's prices ; also 6 s. yearly of vicarage for the said 3 years, *inde* 18 s. ; total, 14 l. 4 s. whereof the defender was obliged to relieve the pursuer at the hands of Mr. James Knox, minister at Bowdoun, and for which the pursuer is now distressed. Defences repelled, pursuer proved claim by depositions of Thomas Ker, portioner of Midlim, and Walter Foulter there ; 24 s. expenses.

Melrose, 30 January 1669 ; Mr. Robert Maine.

Which day decerns Thomas Law, weaver in Melrose, to pay to James Edgar, fiscal, 5 l., 'for his opposing of the jugging of the stopes and engadgeing to bring ane jug out of Jedburgh brunt and sealed by the deane of gild, quherin he succumbed.'

*Eodem die* 'anent the complent given in be James Edgar, procurator, against the hail officers for refusing to put the decreits to executione, Kennedie was imprisoned, and the rest ordered to use their offices quhen imployed.'

*Eodem die* decerns Thomas Bell, portioner of Easter Longlie, to pay to Mr. Michael Fishar of Sorrolesfeild 3 l. 14 s. paid out by the pursuer 'for the defenders reckning at the Fleice taverne in Leith in December 1667,' of which the defender promised payment ; referred to defender's oath, absent ; 8 s. expenses.

Melrose, 6 February 1669 ; Mr. Robert Maine.

Which day decerns Andrew Penman, portioner of Melrose, to pay to Mark Blaikie and Margaret Nicoll

his spouse 42 s. 8 d. for drink furnished to him, and 24 s. for 2 fulls of bear borrowed from them in May last ; defender denied, referred to his oath, who deferred to pursuers, 'and confest the 2 fulls beir ; *juramento actoris* he payed sex pund for the beir and of his wife [*sic*] for the drink ; extracted for 3 l. 12 s. principall and 9 s. of expenses of pley.'

*Eodem die* decerns John Broun in Newsteid to pay to Walter Scot of Gledswood 10 l. for cutting and taking away certain trees out of Gledswoodbank on 19 January 1669 ; denied, referred to his oath, who refusing to depone was held as confessed ; absolves Andrew Wilsone, who came in pursuer's will, who passed from him.

*Eodem die* decerns John Mein, maltman in Newsteid, to pay to Andrew Wallace, weaver in Melrose, 10 l of principal and 20 s. expenses out of the fore end of the ferme bear due by him to John Davidsons and his spouse, who are addebted to the pursuer in that amount by decreet ; defender denied promise, referred to his oath, who deferred to pursuer, who deponed that the defender promised him payment ; 20 s. expenses.

*Eodem die* decerns George Pringle in Coblehous to pay to James Edgar, fiscal, 50 l. for striking and blooding Andrew Fisher on 1 February, as it is proved by witnesses and found by assize that he is guilty of the blood, 'he haveing a knife in his hand and threatned Andro Fishers man quhen he went to seik persones to red,' and 10 l. for a riot in striking Robert Mertoun ; and fines Thomas Bell, portioner of Longlie, 50 l. for being in the bloodwit, and 10 l. for a riot in striking Andrew Fisher ; absolves Andrew Fisher.

Melrose, 13 February 1669 ; Mr. Robert Maine.

Which day decerns John, Andrew, William, David, and James Lythgow, sons and executors of deceased James Lythgow of Drygrange, to pay to Alexander Trotter in Easter Housebyre 20 l. for 10 stacks of peats

bought by their father in 1665, which were never paid ; proved by witnesses ; 40 s. expenses.

*Eodem die* decerns Isobel Pringle and Elizabeth Broun her daughter, and John Hoy [?Hog] her spouse, 'to remove ther dyk from of William Bowar, portioner of Melros, and John Bowar his sone, the wall of ther houses twa foot and a halfe, and to give the saids persewars frie ishe and enterie to ther yaird, and to suffer them to pass and repasse therto as they ware in use and wont of befor the interruptione now and in all tyme comeing, under the paine of ten pund Scots and all uther hiest paine and charge that efter may follow'; because the defenders confest that the deceased John Brown, father of said Elizabeth, 'did big upe and build the samen in his owne lifytyme without oppositione or interruptione of the persewer,' and the pursuers desired the bailie to appoint 5 honest men of the town of Melrose to visit the yard and dyke and entry controverted, who on 6 February nominated James Wallace, elder, portioner of Melrose, Andrew Cook there, William Edgar there, Thomas Law and Thomas Lukepe there, who on 12 February 1669 reported 'that the said William and John Bowars ther enterie which they had of old to ther yaird lybelled being 2 foot and a halfe broad is stopped and interrupted only be ane dyk bigged be the said Issobell Pringle and her said umquhile husband John Brown upon ane peace of waist ground adjacent to the said William and John Bowars ther yaird lybelled.'

Melrose, 13 March 1669 ; Mr. Robert Maine.

Which day decerns Walter Ker, merchant in Melrose, to pay to John Sintown, merchant burgess of Selkirk, 6 l. 6 s. 8 d. 'as the agried price of ane roll of tobacco weighting 10 pund 2 unce at 13 s. 4 d. the pund,' bought on 9 April 1668, also 22 s. 6 d. for a half roll of tobacco bought on 7 May last ; defender absent ; 10 s. expenses.

*Eodem die* decerns John Leithead, portioner of Melrose,

to pay to Robert Hog in Dryburgh 14 l 8 s. for 3 bolls of malt at 6 l. 8 s. the boll, bought about a year ago ; defender alleged that he promised to pay to Robert Leitheid, the pursuer's creditor in a greater sum, what should be found due by him after accounting, which he referred to pursuer's oath, who deponed negative and that he gave bond to Robert Leitheid for what he was owing him without compensation of the sum libelled ; pursuer to find caution to answer the defender as law will ; 30 s. expenses.

Melrose, 10 April 1669 ; Mr. Robert Maine.

Which day absolves James Edgar, younger, executor to Margaret Eillies, widow in Melrose, his mother, from action by William Bell, portioner of Galtonside, for 10 l. 12 s. due by defunct and contained in decreet in 1664 at his instance against her ; also 5 l. 16 s., also for his lands in Melrose, crop 1666, 18 l. 6 s. 8 d. and crop 1667, 36 l. 13 s. 4 d. ; also due by said James Edgar a boll of bear, for crop 1667 ; total 76 l. 9 s., of which Margaret Elleis made no payment in her lifetime. Defender produced an absolvitor of the foresaid action pursued before the sheriff court of Roxburgh, dated 14 April 1668.

Melrose, 24 April 1669 ; Mr. Robert Maine.

Which day decerns Michael Dicksons, sometime in Blainslie, now in Fanss, to pay to Alexander Dicksons, merchant in Blainslie, 3 l. 4 s. as balance of price of a stone of wool bought from pursuer at Midsummer 1668 ; defender absent ; 6 s. 8 d. expenses.

*Eodem die* decerns James Edgar, younger, in Melrose, to pay to George Pringle of Buckholme 30 s. 'for ilk ane of the said James his 3 nolt beasts that lay in the persewers cornes all night upon the last day of July last,' *inde* 4 l. 10 s. ; proved by witnesses, and modified by Andrew Mar, John Milne and Andrew Chisholme, whom the bailie appointed to consider the 'skaith.'

Melrose, 1 May 1669 ; Mr. Robert Maine.

Which day decerns Mark Pursell and Andrew Uns, weavers in Lessuden, to pay to Jean Dabsone 15 l. for a weaver's loom bought from her ; defenders confessed ; 30 s. expenses.

*Eodem die* decerns James Eillies of Huntlywood to pay to Thomas Cochrane, portioner of Newtown, 16 l. Scots 'or ane — horse in his hands pertaining to John Dicksone in Kelso' and arreisted by Andrew Phaupe, messenger, at instance of Cochrane for 16 l. due by Dicksone to him ; defender absent ; 30 s. expenses.

Melrose, 5 June 1669 ; Mr. Robert Maine.

Which day decerns William Fisher, portioner of Newsteid, to pay to John Wallace, his servitor, 4 l. 6 s. for a term's service about 2 years ago ; defender confessed, but alleged the pursuer's father was owing him as much ; repelled ; 9 s. expenses.

*Eodem die* decerns James Huntar in Eildoun to pay to Bartholomew Mein there 3 half firlots of bear of the ferme resting for 1668 ; proven by witnesses ; 4 s. expenses.

*Eodem die* decerns John Patoun in Lessuden to pay to James Gastoun in Templehall 11 l 12 s. of principal and 20 s. of expenses contained in decreet at pursuer's instance against James Archbald and Janet Brotherstone his spouse, 26 December 1668, whereupon John Coitt, officer, arreisted in Patoun's hands 6 bolls of bear and malt pertaining to said James Archbald and his spouse, and a brown mare ; defender [Paton] denied, referred to his oath, who confessed 'he took 2 loads of it to the water to steip.'

*Eodem die* decerns Margaret Riddell in Lessudden to pay to John Coitt, officer there, 9 l. 18 s. as balance of price of malt bought by her ; defender absent ; 20 s. expenses.

Melrose, 19 June 1669 ; Mr. Robert Maine.

Which day decerns Robert Forsan in Newsteid to pay to James Merser, portioner there, 21 s. for seed oats bought from pursuer, and 11 s. for ' leadeing out of muck,' and 24 s. for leading divots, about 2 years ago ; referred to defender, who deferred to pursuer, who deponed positive ; 4 s. expenses.

*Eodem die* decerns George Mudie in Darnick to pay to Grizel Scott, widow there, 4 l. of fee ' for his sone James Mudie he hired at Paishe last to serve from Witsunday last to Martinmas nixt,' or enter to the said service within 48 hours ; defender absent.

Melrose, 26 June 1669 ; Mr. Robert Maine.

Which day decerns Thomas Bell, portioner of Easter Longlie, to pay to Alexander Bennet, sometime servitor to Robert Petrie, now servitor to John Pringle of Williamlaw, 10 l. due by him to Patrick Cairfrae, burgess of Musselburgh, for meat and drink to himself and corn and straw to his horse and borrowed money and other necessaries furnished by the said Cairfrae to him in his house when he was quartered at Musselburgh, conform to account between them before Adam Darling and Walter Carnecroce, two of his comrades, and which debt the said Patrick assigned to the pursuer on 3 February 1669 ; pursuer produced the assignation, and a declaration ' under the baillie of Mussilbrughs hand ' that the debt is owing ; 20 s. expenses.

*Eodem die* decerns Margaret Elliot, widow in Danzielton, James Patersone her son there, James Eillies ' Walkerraw ' there, Margaret Eillies and Thomas Bichet her son there, Robert Maben there, Margaret Brown in Melrose, William Wallace and George Sheill, weavers there, to remove from the town and lands of Danzielton conform to warning made at Pasch last, so that John, Earl of Hadington, and his nominees may enter and possess the same ;



'because James Patersone, Thomas Bichet and Robert Maben, all present, confest ther fathers ware only rentallers, and since they ware deceased they ware content to tak new rentalls, quhich the baillie repells, and all the rest being absent was holden as confest.'

*Eodem die* decerns Jean Carnecroce, widow in Ridpeth, to pay to John Winter, weaver there, 7 l. for 7 'mikle fulls' of bear; defences repelled, pursuer refers to her oath, who defers to pursuer's oath, who depones positive; 14 s. expenses.

*Eodem die* decerns William Wallace, weaver in Melrose, to pay to William Fisher, portioner of Newsteid, 4 l. due by him to George Alexander in Edinburgh and arreisted in part payment of 18 l. 11 s. 4 d. of principal and 36 s. of expenses in decret, 4 June 1664, at pursuer's instance against George Alexander; defender absent; pursuer deponed.

*Eodem die* decerns James Wauche in Melrose to pay to Robert Ker there 6 l. due by Alexander Newton, piper there, by Bond, for which the defender became debtor and promised payment within 24 hours thereafter; defender absent; 13 s. 4 d. expenses.

Melrose, 3 July 1669; Mr. Robert Maine.

Which day decerns John Andersone, portioner of Ridpeth, brother and heir of deceased James Andersone who was eldest lawful son and heir of deceased Alexander Andersone, sometime of Sorrolesfeild, portioner of Ridpeth, to pay to George Pringle of Buckholme 275 merks contained in Bond, 3 August 1642, by said deceased Alexander Anderson to the pursuer, and 40 merks of penalty, and interest yearly bygone and to come at the rate of 8 per cent. Pursuer produced James Anderson's sasine as heir to his father, and John Anderson's sasine to his brother; John Bunzie, procurator for defender, alleged the pursuer was already paid, and refers to pursuer's oath, who depones negative.

*Eodem die* decerns Robert Pringle of Blindlie to remove from 9½ acres of land with houses, yards, and pertinents, lying in the town and territory of Westhouses and Galton-side, so that Isobel Scott, widow of Francis Scot of Castle-side, liferentrix thereof, and her tenants and others may enter and possess the same conform to her liferent rights and precept of warning; Andrew Phaupé, pursuer's procurator, produced contract of marriage between her and her husband providing her to the liferent of these acres, and sasine following thereon; George Wallace, defender's procurator, craved inspection, and Phaupé was willing if defender found caution for the violent profits, which defender refused, so bailie decerns as above, superseding extract till Friday, 3 July, when, if defender found caution, he might be reponed to his defences; but he refused, so decret extracted.

*Eodem die* decerns Bartill Mein in Eildoun to pay to Thomas Mein there 18 l. 10 s. borrowed by him from Dona Bowar, widow there, who on 22 January 1669 assigned the debt to the said Thomas; defender present, with George Wallace his procurator, confessed his wife borrowed the money from Dona Bowar 'and gave her 3 peices of land in wadset for it.' Absolves from 5 l. due by defender to pursuer, which latter referred to his oath, who deponed negative. 36 s. expenses.

Melrose, 10 July 1669; Mr. Robert Maine.

Which day decerns Alexander Ridpeth, wright, portioner of Melrose, to pay to John, Earl of Hadinton, and his chamberlains, of feu duty and vicarage for his houses and yard within the precinct of Melrose, 1666, 2 l. 12 s.; for 1667, 7 l. 12 s.; for 1668, 7 l. 12 s.; for Whitsunday 1669, 3 l. 16 s.; for his maill of 6 acres in Danzielton at 22 l. yearly, for 1666, 1667, 1668 and Whitsunday 1669, 77 l. Total, 98 l. 12 s., deducting 1 l. 16 s. 'for making a paire of wheelles,' and for a boll of oats 3 l. 13 s. 4 d. so rests unpaid 93 l. 2 s. 8 d.,; defender absent; 9 l. expenses.

Melrose, 2 July 1670 ; Mr. Robert Mainie.

Which day decerns William Denham, portioner of Ridpeth, to pay to William Forsane, miller in Ridpeth mill, 1 l. 15 s. as balance due for certain muck bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns Charles Watsone, indweller in Longlie, and Thomas Bell his master, to pay to Mr. Alexander Bissett, minister at Melrose, 23 l. 16 s. due by Bell to pursuer and arreisted in Watson's hands ; defender confessed owing Thomas Bell.

*Eodem die* decerns Andrew Laidlaw, lawful son of deceased William Laidlaw in Wouplaw, and George Turner, his tutor, to pay to James Feirgreive in Hackburne 8 l. 16 s. borrowed by defunct from pursuer ; Turner present referred to pursuer's oath, who deponed positively.

*Eodem die* action by Mr. John Lithgow, portioner of Ridpeth, and Thomas Lithgow his son, heritable proprietors of the mill of Ridpeth, against James Archiesone in Cleakmae, narrating that the said mill with astricted multures pertains to them by infeftment and sasine dated 22 August 1664, and thereby they have right to the multure, etc., of all corns growing upon the lands of Cleakmae, which are thirled to the said mill and in use to pay a peck of multure to the boll ; yet Archiesone has abstracted in the years 1666, 1667, 1668, and 1669, the multure, knaveship and bannock of 12 bolls of oats and 3 bolls of bear, each year, growing on these lands, and the like quantities inbrought by him within the said lands, price of each boll of oats 'and meill' 6 l. and of each boll of bear 6 l. and of each boll of 'shilling' 8 l. Pursuers compeared personally, with John Bunzie their procurator, and defender compeared personally with James Edgar his procurator, and the former having produced their charter of the mill, the defender denied that he or any of the other heritors or inhabitants of

5 l. 16 s. borrowed from pursuer about 10 years ago ; defender absent, pursuer deponed ; 12 s. expenses.

‘ John, Earle of Hadinton, departed this life 1 September 1669.’

‘ Curia dicte regalitatis de Melros tenta in pretorio ejusdem per dictum Magistrum Robertum Maine, ballivum deputatum nobili et prepotenti Carolo, Comiti de Hadinton, Domino Binning et Byres, etc., ballivo principali dicte regalitatis, decimo octavo die mensis Septembris anno Domini 1669 ; curia legitime affirmata.’

Which day decerns James Archbald in Lessudden and Janet Brotherstones his spouse to pay to John Bryden there 12 l. 12 s. in Ticket, 22 June 1669, by them to pursuer, ‘ or else to delyver the cornes lybellit ’ ; ticket produced, defender absent ; 24 s. expenses.

Head Court, Melrose, 2 October 1669 ; Mr. Robert Maine of Lochewood.

Which day decerns John Brown in Ridpeth to pay to James Mein, weaver in Newsteid, 55 s. 8 d. owing him ‘ for working of linnen and woollen cloath ’ ; defender absent, pursuer deponed ; 6 s. expenses.

*Eodem die* decerns Andrew Riddell in Lessudden to pay to John Kyll, miller at Galashiels, 4 l. 14 s. as balance of price of a cow bought from pursuer on 18 June 1666 at Ersiltoun fair ; defender confessed the debt ‘ and alledgit that the persewer gifted the said sowme to — Riddell, daughter to Jonet Brotherstones, now spous to James Archbald ther, and upon payment thereof to her he promised never to crave the samyn againe ’ ; defender in place of probation referred to pursuer’s oath, who deponed negative as to the promise.

Melrose, 16 October 1669 ; Mr. Robert Maine.

Which day absolves Thomas Harvie in Maxpople from action by Mary Mow, widow in Melrose, for 12 l. 18 s.

for 3 bolls of oats bought by him from her at Michaelmas 1667, and 9 s. for 'certaine plants' bought from her in summer last; defender confessed he owed her for the oats 11 l. 11 s. whereof he had paid her 9 l. 18 s. so rested only 33 s., and denies as to the plants; pursuer refers to his oath, who defers to pursuer, who refuses to depone; and defender consigned the 33 s., which was delivered up to pursuer.

Melrose, 30 October 1669; James Eillies of Huntlywood, bailie-depute *pro tempore*.

Which day decerns Robert Laidlaw in Allanshawes and William Carnecroce of Allanshaw to pay to Robert Clerk, merchant in Galtonside, 21 l. 16 s. in satisfaction to him of 7 l. 10 s. of principal and 40 s. of penalty, and interest since 11 June 1667, contained in Bond, 23 April 1667, registered 26 June 1669, by said William Carnecroce to the pursuer, and 9 l. 6 s. of principal, 3 l. penalty, and interest as above, in Bond, 3 April 1667, registered 26 June 1669, by Walter Carnecroce to pursuer; all defenders absent; 42 s. expenses.

*Eodem die* decerns Robert Law in Longhauche to pay to Thomas Darling, wright in Blainslie, 3 l. as balance of price of 'certaine barb' [? bark] bought from pursuer at Beltane 1668; defender absent; 6 s. expenses.

Melrose, 6 November 1669; Mr. Robert Maine.

Which day decerns James Crosbie, herd in Galtonside, to pay to Thomas Bowstone 'Wynd' there, 30 s. as the value of a tup lost in 1668; defender confessed keeping it; 4 s. expenses.

*Eodem die* decerns Walter Ker, merchant in Melrose, to pay to Thomas Bichett, herd in Danzielton, 2 l. 18 s. as balance of price of some sheep bought from pursuer last October; defender absent, pursuer deponed.

Melrose, 13 November 1669 ; Mr. Robert Maine.

Which day decerns all and sundry the feuars and possessors within the regality to pay to the Earl of Haddington 'for their Witsunday and Martinmas mailles 1669 and preceeding.'

*Eodem die* decerns James Smith in Thripwood to pay to George Notman in Calhill 4 l. for half a year's service wrought about two years ago ; defender confessed 3 l. and denied 20 s., which was referred to his oath, who refused to depone.

*Eodem die* decerns Thomas Harvie in Maxpople to pay to John Troumble, piper in Boudone, and Margaret Ridfourd his spouse, 10 l. for oats, borrowed money, and balance of price of 'ane fir' ; defender absent ; 20 s. expenses.

*Eodem die* decerns John Thomsone, slater [*sic*] in Darnick, to pay to Andrew Droumond there 'for working off the said defender his cloathe' ; defender confessed ; — expenses.

*Eodem die* absolves John Frater in Longhauche from action by Adam Hislop, miller in Langshaw, for abstracting 6 bolls of oats and 3 bolls of humble corn for two years from the mill of Langshaw, to which he is thirled ; defender denied abstracting, and pursuer referred it to his oath, who deponed he had abstracted none 'since the last that he grand ther, and for any corne that he had abstracted beffor he hes given him 2 fulls ray [rye] in satisfacione therfor.'

*Eodem die* decerns James Archbald in Lessuden to pay to John Patone there 6 l. [*sic*] as balance of price of malt bought from pursuer in June last ; referred to defender's oath, who deferred to pursuer, who deponed positively he owed him 6 l. 'except ane quart aill,' whereupon bailie decerns for 3 l. 17s. 4d. [*sic*].

*Eodem die* absolves John Crombie in Melrose from action

by James Edgar, portioner there, for delivery of 4 bolls of bear bought by him from defender on 1 May last, to be delivered within 8 or 10 days, at 8 merks the boll, payable at Martinmas 1669; defender denied selling any bear, which pursuer referred to his oath, who deponed he sold the bear conditionally.

Melrose, 20 November 1669; Mr. Robert Maine.

Which day decerns Margaret Riddell in Lessudden to pay to John Patone there 6 l. as balance of price of malt bought from pursuer; defender confessed.

*Eodem die* decerns Thomas Unse in Lessudden, David Kyll, smith there, George Gibsone there, and Katherine Ridell there, to pay to Thomas Cochrane in Newtoun as follows, viz. Unse 3 l. 6 s. for a boll of bear bought from pursuer; Kyll 2 l. for certain iron bought from pursuer; Gibsone 32 s. of borrowed money; Ridell 4 l. 6 s. 'dew be her to the said persewer'; defenders absent.

*Eodem die* decerns David Uns in Lessudden to pay to Margaret Riddell there 8 l. 15 s. for drink and necessities furnished by pursuer to him; defender absent, pursuer deponed.

*Eodem die* decerns James Mylne in Melrose to pay to Thomas Ridfourd and James Boware in Melrose 50 s. 'for 6 dayes fouching to James Wauch and the said defender becam cautione for the samen'; defender absent, pursuer deponed.

*Eodem die* decerns James Mylne in Melrose to pay to Michael Gibsone in Melrose 3 l. for a ewe bought by pursuer from him, but undelivered; defender confessed selling the ewe and receiving the price; ordained to keep the ewe and return the money.

Melrose, 27 November 1669; Mr. Robert Maine.

Which day decerns Thomas Haliwill in Galtonsyd to pay to John Halliwill there 6 l. 'of old debt and failie off ane

boll off beir payeing to uthers dew to the said persewer be the said defender.'

Melrose, 4 December 1669 ; Mr. Robert Maine.

Which day decerns Walter Degleice in Darnik to pay to John Thomas, slater there, and Isobel Merse, his daughter-in-law, 50 s. and an ell of harden for a half year's fee for service by said Isobel to him ; defender confessed. Paid at the bar both fee and harden.

*Eodem die* decerns David Uns in Lessudden to pay to William Porteous in Stodrig 11 l. 14 s. 8 d. as balance of sums due for malt ; defender absent.

*Eodem die* decerns Michael Gibsone in Melrose to pay to James Mylne, weaver in Newton, 6 l. 5 s. for sheep bought by defender from John Thomsone in Ridpethe, who assigned the debt to pursuer ; defender denied, but referred to his oath, who deferred to Thomson, who deponed positively.

*Eodem die* decerns Alexander Trotter of Eisterhousebyr to pay to James Wauche in Melrose 5 l. 3 s. for a half year's service wrought by John Wauch, son of pursuer, to the defender ; defender refused to depone when it was referred to his oath.

*Eodem die* decerns Katherine Ridell in Lessuden, as cautioner for Andrew Ridell her brother, to pay to Thomas Haistie, maltman, burgess of Selkirk, 50 merks of principal and 10 l. expenses and interest, contained in Bond, 1 April 1647, by said Andrew Ridell to pursuer, and decret, 29 December 1660, at registration thereof ; proved by William Ker, Adam Troumbell and Andrew Heatone, who all deponed they heard the defender in Mark Blaikie's house become cautioner and give the pursuer her hand that she would pay him.

Melrose, 11 December 1669 ; Mr. Robert Maine.

Which day absolves George Notman in Thripwood from action by James Smith there against him ' for heisting [?]



off corn to Michell Fischer in Cumisliehill pryce 4 l. and ane sheip drowned be the said defender pertaining to the said persewer'; not sufficiently proven that he 'keilled' the sheep nor 'hoist' [?] the corn.

*Eodem die* decerns Janet Wright in Westhouses either to enter to the service of Robert Pringle of Blindlie till Whitsunday next or pay to him 8 l. and 12 s. for shoes.

*Eodem die* decerns George Houmone 'Long' in Darnick to pay to Alexander Weamane there 8 l. of borrowed money as balance of 12 l. absolving him for the other 4 l. because pursuer refused to depone thereupon.

Melrose, 18 December 1669; Mr. Robert Maine.

Which day action by John Sounhouse, portioner of Blainslie, against Helen Willsons in Blainslie and Robert Sheill, weaver there, now her spouse, who are addebted to him as heritable proprietor of the tenement, house, yard, moss and moor and 3 'sowmes grass,' occupied by them, in the sum of 116 l. Scots for cess, maintenance, moss, moor, and grass, paid out by him for them since 1640, and 200 merks for kains, carriages, and parsonage and vicarage teinds of the same, since 1640, extending in all to 374 merks; pursuer compearing with George Wallace his procurator, and defenders compearing with James Edgar their procurator, pursuer produced a precept of *clare constat* by deceased John Earl, of Hadintone, to pursuer as heir to his father, and sasine following thereupon 'off all and haill ane husband land and hallff husband land in Blainslie, hallff off Carters yaird and peice nether land there, with howses' and pertinents, whereof the foresaid houses, yaird, moss, moor, and 3 'soumes grass' are parts and pertinents; and defenders' procurator on 16 October last gave in answers as follows:—Denied the claim, that the foresaid 'soumes grase,' houses and yards were liable in payment of the said sums; it ought to be proved what each husband land and 'soums grasse' in Blainslie paid every month during the years libelled; and denied that

ever the defenders were in use to pay teinds or carriages for the said subjects. George Wallace on 23 October replied that it can be proved that the grass and houses, etc., are liable in payment, and it is well known to the whole town of Blainslie and the collector what each husband land pays per month of burdens, and it is offered to prove that the defenders were in use and liable to pay the sums charged for. On 30 October the defenders duplied that the pursuers produce no active title to the ground controverted; and there is a backbond by John Sounhouse, goodsir and author to the pursuer, to the authors of the defenders, whereby the 'thrie souns grasse, muir and pasturage lybelled' are reserved and excepted to the defender's authors, and thus they have been 40 years in possession without payment of kain, carriages, or other public burdens. On 19 November the bailie ordered pursuer's precept of *clare constat* and sasine to be given to defenders to object against, who on 27 November gave in objections, 1. that in said precept and sasine themselves the tenement, houses and yards controverted are '*per expressum* reserved to umquhill Thomas Lyall his aires and assignayes,' from whom the defenders have right by progress, and as to the moss, muir and grass 'soumes' the defenders cite a backbond, dated at Lauder 13 February 1632, by said deceased John Sounhouse, father to the pursuer, to said deceased Thomas Lyall, their author, narrating a disposition by Lyall to Sounhouse of his 1½ merk land in Blainslie 'with the houses bigings yairds meidowes mosse moore and pasturadg theroff,' reserving to the said Thomas 'the haille houses bak and for under and above with the yairds pertaining to the said merk land allenerllie,' nevertheless Sounhouse reserved also and excepted to Lyall and his assignees for ever 'the forsaid ane insoume and tua hill soume and hallff moss and moore pertaining to the forsaid hallff mark land allenerllie.' On 11 December the pursuer's procurator offered to prove the defenders were in use of payment; and on 18 December the bailie repels defences, etc. and admits to probation as to the use of payment since 1640, and on 24 December

pursuer adduced William Hall *alias* Tutor, John Pringle, and John Stirling, portioners of Blainslie, who all deponed 'that the defenders and their authors wer never in use off payment off anything to the said persewer and his authors and prediccursors for the samen but only teynd lintt and that only within these 4 or 5 yeires last bypast'; and pursuer, renouncing further probation, did in open court freely quit and overgive the said teind lint to the defenders, it being of small value, upon which Robert Sheill took instruments and the bailie absolves the defenders, and ordains pursuer to pay to them 10 merks of expenses of plea. [Decreet recorded in full.]

Which day action by Helen Willsons in Blainslie, and Robert Sheill, weaver there, now her spouse, against John Sounhouse, portioner of Blainslie, narrating their right as above to the three soutes grass, moss and moor, pertaining to the half merk land, and their possession thereof by pasturing and herding their goods on the grass and casting peats, turves and divots on the moss and moor past memory of man, and complaining that in June last the defender and others in his name cast peats, etc., thereupon and continue to possess the said grass, moor and moss, and ought to pay four merks yearly for the six years he has cast divot earth thereupon. The bailie finds the pursuer guilty of molestation and ordains him to restore possession and render the moss and moor in as good condition as when he interfered therewith. Same procurators; and besides the foresaid backbond, there is produced a disposition of the said houses and yards, three soutes grass, moor and moss, by said deceased Thomas Lyall to the deceased Edward Hall, indweller in Lauderbarns, dated 24 March 1630, and a Disposition of the same by Isobel, Katherine and Marion Hall, heirs portioners to said Edward Hall, their father, in favour of deceased Thomas Wright, weaver in Kaidslie, and said Helen Wilsons, pursuer, then his spouse, dated 6 December 1660. [Decreet recorded in full.]

*Eodem die* decerns William Bell, portioner of Galtonside, to pay to James Laidlaw in Newsteid 7 l. for a half year's

service wrought about a year ago; defender absent, pursuer deponed.

*Eodem die* decerns Robert Spotswood in Darnick to pay to Margaret Fullr [?], widow there, and Isobel Cochrane her daughter, 4 l. 5 s. for a half year's service wrought by Isobel to the defender; defender absent.

*Eodem die* decerns Walter Ker in Melrose to pay to William Andersone, merchant there, 3 l. 8 s. for merchandise bought from pursuer about 'Paice' last; defender absent.

Melrose, 24 December 1669; Mr. Robert Maine.

Which day decerns James Edgar, younger, in Melrose to pay to Thomas Law, weaver there, 11 l. for 21 sheep bought by both of them in October last, for which the pursuer paid all the price; defender absent, pursuer deponed.

*Eodem die* decerns Thomas Uns in Lessudden, David Uns there, John Uns there, and Andrew Ridell, to pay to Mr. James Knox, minister at Bowdone, as follows, Thomas 2 l. 13 s. and a load of coals, David 6 l. and 2 loads of coals, John 1 l. 10 s. and a load of coals, and Riddell 12 l. 5 s., as balance of price of victual bought by said 'defenders' from pursuer; defenders absent.

\*

Melrose, 8 January 1670; Mr. Robert Maine.

Which day action by James Edgar, fiscal, against Thomas Hervie in Maxpople, who on 31 December last 'did shut and kill severall doves with ane hagbut,' and thereby incurs the fine imposed by Act of Parliament. Pursuer adduced two witnesses, who deponed they never saw defender shoot or kill doves at the time libelled; so absolves.

*Eodem die* decerns Isobel Thomsone, widow of Thomas Willsone, mason in Galtonsyd, to pay to Isobel Hoy in

Galtonsyd 9 l. due by Wilson to pursuer; defender confessed she had intromitted with her husband's goods.

Melrose, 12 February 1670; Mr. Robert Maine.

Which day decerns John Willsonsone and George Mein in Newsteid 'to tak in Barrand [*sic*, probably Barnard] Mein, portioner there, to be 3 man with them in the buying off ane stak off oats from James Merseir in Newsteid'; defenders denied, and referred it to his oath, who deponed positively 'that he was thrids man.'

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to give up a bond of deceased Thomas Wright's to Andrew Heitone in Darnik, which had been deposited by Wright in his hands.

Melrose, 19 February 1670; Mr. Robert Maine.

Which day absolves Thomas Law in Melrose from action by James Edgar, younger, in Melrose, for 13 l. for ale and other things; referred to defender's oath, who deponed negative.

*Eodem die* decerns John Winterup, portioner of Newtoun, to pay to Thomas Haistie in Selkirk 19 l 13 s. as balance due for certain oats and coals bought from pursuer about 17 years ago; referred to pursuer's oath, who deponed positive.

Melrose, 5 March 1670; Mr. Robert Maine.

Which day decerns Thomas Bell, portioner of Eister Longlie, to pay to James Darling in Westhouses 13 l. 4 s. for a half year's fee for service wrought 'be the said defender to the said persewer' [*sic*]; because the said defender [*sic*] deponed positive.

*Eodem die* decerns William Bell, portioner of Ridpethe, eldest son and heir of deceased George Bell, portioner there, to pay to George Bell, younger, mason in Ridpethe,

100 merks in a Bond by said deceased George Bell to the pursuer of principal, with 10 merks of expenses, 16 March 1663; and 80 merks of principal and 10 merks expenses in another Bond, — March 1663, by said deceased George Bell to the pursuer; defender absent; 10 l. expenses.

*Eodem die* action by Thomas Bouie in Melrose against John Thomsone in Ridpeth for 40 l. due by him to John Lithgow, portioner of Ridpeth, his master, and arreisted by Andrew Kennedy, officer, in his hands for payment of 19 l. 12 s. of principal and 40 s. expenses contained in decreet, 5 April 1668, at Bowie's instance against said John Lithgow, Andrew, William, David, and James Lithgow, as executors to deceased James Lithgow of Drygrange, their father, and due by the defunct to the pursuer. Defender, by John Bunzie his procurator, alleged there could be no process till his master John Lithgow, principal debtor, was summoned, 'quhich cannott be done without letters off supliment in regaird he leives at Edinburgh and sua not within this jurisdictione'; and denies any arreistment; and George Wallace, pursuer's procurator, opponed the decreet for instructing the claim, and could prove that said John Lithgow was summoned to this day and also Andrew Lithgow his brother. Defences repelled, defender to depone what sums he is owing to his master, but refused because 'he was not cleir with his master,' so held as confessed, and decerns to make forthcoming the said 40 l.

Melrose, 21 March 1670; Mr. Robert Mainie.

Retour [*in Latin*] of the special service of Marion and Janet Kennedie as heirs to deceased Andrew Kennedie, portioner of Darnick, their greatgrandfather, in 4 acres of land of the town and lands of Darnick, with houses, yards, and teind sheaves included, formerly occupied by deceased Robert Kennidie and thereafter by said deceased Andrew Kennidie his son, which are held of Charles, Earl of Hadinton, in feufarm for yearly payment of 4 bolls of

bear, Melrose measure, being 13 pecks to the boll, and 2 cain fowls and 2 long carriages of 24 miles (*'milliarum'*) each and a short carriage of 12 miles, or thereabout, paying the victual between Yule and Candlemas, the kain fowls at Martinmas, and the carriages when required by the Earl and his successors, also 10 s. for the said acres of land at the entry of each heir, and the said deceased Andrew Kennedy and his heirs being held to compear at and submit to the courts of the regality, and to perform to the Earl such other services as they had been accustomed formerly to do to the abbot and convent of Melrose in times bygone; the said Andrew Kennidie and his heirs being prohibited to alienate and dispoine the subjects or any part thereof without the Earl's consent, and failing payment of the duties within 10 months after Candlemas he and they were to amit and lose the heritage and lease of the said lands. The retour, written by Alexander Ellies, servitor to Thomas Wilkieson, clerk of Melrose, is dated 21 March 1670; and the names of the assise are, Thomas Lythgow, portioner of Melrose, Andrew Heatone, portioner of Darnick, Andrew Mersser, called Wynd, Robert Haliwill and John Heitone, weaver, portioner there, William Greirson, portioner of Darnick, Andrew Drommond, William Merser, called Wall, Andrew Mersser called Pooll, and Walter Vair, portioner there, Walter Delgleis, portioner there, John Thomsone, John Fisher, miller there, George Mudie and Robert Spotswood, portioners there.

Melrose, 23 April 1670; Mr. Robert Maine.

Which day decerns George Wallace in Melrose to fill up and deliver to Thomas Bowie in Melrose a blank discharge deposited by him for that effect in the hands of John Bunzie in Newsteid, bearing that Wallace was completely satisfied and paid by said Thomas of 19 l. 12 s. principal and — of expenses in decreet obtained by said George against said Thomas before the Commissaries of Peebles; with 3 l. expenses

Melrose, 30 April 1670 ; Mr. Robert Maine.

Which day decerns Thomas Ker in Newtone to pay to Mr. James Knox, minister at Bowdone, 11 l. 10 s. as balance of price of victual bought from the pursuer ; defender absent.

Melrose, 17 June 1670 ; Mr. Robert Maine.

Which day decerns Thomas Bell, portioner of Easter Longlie, to pay to George Baittie in Bridgend 4 l. 12 s. for a half year's service wrought by pursuer's son Andrew Batie to the defender ; defender absent.

Which day decerns Andrew Wallace, weaver in Melrose, to make forthcoming to John Coat, portioner of Lessudden, ' 20 slips off yraine [? yarn] pertaining to Margrat Ridell in St. Boswalles ' and arreisted in his hands ; defender confessed ' he had the yren [?] but craved that he might be payed for his paines.'

*Eodem die* decerns ' all and sundrie the feuars to mak payment of their Witsonday and Mertimes maills and preceedings.'

Melrose, 25 June 1670 ; Mr. Robert Maine.

Which day decerns Wa[lter] Cairncroce of Allanshawes to pay to Thomas Cruiks sometime in Williamlaw, now in Blindlie, 5 l 16 s. of borrowed money ; defender absent.

*Eodem die* decerns Thomas Woderstone in Howsbyre to pay to John Dawsons in Craiksfould 6 l. 14 s. 4 d. for certain bear and sheep bought from pursuer ; defender absent.

*Eodem die* decerns Andrew Laidlaw, son of deceased William Laidlaw in Owplaw, and George Turner his tutor for his interest, to pay to Robert Hadone in Coumisliehill 14 l. ; referred to defender's oath, who deferred to pursuer, who deponed positively.



Melrose, 2 July 1670 ; Mr. Robert Maine.

Which day decerns William Denham, portioner of Ridpeth, to pay to William Forsane, miller in Ridpeth mill, 1 l. 15 s. as balance due for certain muck bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns Charles Watson, indweller in Longlie, and Thomas Bell his master, to pay to Mr. Alexander Bissett, minister at Melrose, 23 l. 16 s. due by Bell to pursuer and arreisted in Watson's hands ; defender confessed owing Thomas Bell.

*Eodem die* decerns Andrew Laidlaw, lawful son of deceased William Laidlaw in Wouplaw, and George Turner, his tutor, to pay to James Feirgreive in Hackburne 8 l. 16 s. borrowed by defunct from pursuer ; Turner present referred to pursuer's oath, who deponed positively.

*Eodem die* action by Mr. John Lithgow, portioner of Ridpeth, and Thomas Lithgow his son, heritable proprietors of the mill of Ridpeth, against James Archiesone in Cleakmae, narrating that the said mill with astricted multures pertains to them by infestment and sasine dated 22 August 1664, and thereby they have right to the multure, etc., of all corns growing upon the lands of Cleakmae, which are thirled to the said mill and in use to pay a peck of multure to the boll ; yet Archiesone has abstracted in the years 1666, 1667, 1668, and 1669, the multure, knaveship and bannock of 12 bolls of oats and 3 bolls of bear, each year, growing on these lands, and the like quantities inbrought by him within the said lands, price of each boll of oats 'and meill' 6 l. and of each boll of bear 6 l. and of each boll of 'shilling' 8 l. Pursuers compeared personally, with John Bunzie their procurator, and defender compeared personally with James Edgar his procurator, and the former having produced their charter of the mill, the defender denied that he or any of the other heritors or inhabitants of

Cleakmae were in use to come to the mill of Ridpeth and pay multure, etc., which thirlage the pursuers offered to prove, and adduced the following witnesses, viz., William Forsone, miller in Ridpeth mill, who deponed they were in use to come and grind at the mill and pay multure, for these 20 years past, because he had received the thirle duty from them himself; William Andersone, indweller in Ridpeth, deponed conform, relative to the past 30 years; William Hunter there deponed as the last, and so did Andrew Cairneroce and Thomas Watsone there. The bailie decerns the defender to pay the foresaid thirled multures to the pursuers not only bygone but present and to come, and pay 5 merks of expenses of plea.

Melrose, 16 July 1670; Mr. Robert Maine.

Which day decerns William Luckup, wright in Danziel-tone, and Thomas Ellies, wright there, to pay to William Williamsone in Galashiels 6 l. 12 s. and 4 l. respectively; defenders absent, pursuer deponed.

*Eodem die* 'Advocatione Isoble Lithgow *contra* Grissell Scott was produced be Jacobum Fischer and sein, red and admitted of.'

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to deliver up to Michael Fischer, portioner of Darnick, a Disposition granted by him to James Fischer, eldest lawful son of Andrew Fisher of Housbyre, the pursuer paying the defender for his pains for writing the same; 'becaus the said defender confest the haiving theroff and the said persewer did repent.'

Melrose, 23 July 1670; Mr. Robert Maine.

Which day decerns Jean Purvis, only lawful daughter of deceased Thomas Purvis in Hagburne, and George Purvis in Craksfourd, her tutor, for his interest, to pay to Andrew Cook, portioner of Melrose, 5 l.; defenders absent, pursuer deponed.

*Eodem die* decerns Alexander Trotter of Eister Housbyre to pay to James Stodart in Blindlie 13 l. 8 s. for a half year's fee ; defender absent, pursuer deponed.

*Eodem die* decerns John Thine, portioner of Blainslie, to pay to John Wallace, smith there, 4 l. for two fulls of bear 'for his smidie work there last yeire'; defender denied, referred to his oath, who deferred to pursuer, who deponed positive.

*Eodem die* action by Andrew Darling, one of the three heritors of Appeltrieleaves, against John Fraiter in Longhaughe, his rentaller, narrating that the lands of Appeltrieleaves in the parish of Melrose, whereof the lands of Longhaughe are a part, are valued yearly to 760 merks in stock and parsonage teinds, which is for the pursuer's third part 253 merks 4 s. 4 d., and to 40 merks of vicarage yearly, his third whereof is 13 merks 4 s. 4 d., conform to decret of valuation dated 15 December 1629, and accordingly the pursuer has paid to the Earl of Haddington and his factors yearly for crops 1667, 1668, and 1669 inclusive the sum of 8 l. 10 s. 4 d. of parsonage teinds and 50 s. of vicarage, extending yearly to 11 l. 0 s. 4 d., or 33 l. 1 s. in all, for the lands possessed by said John Frater as rentaller to him, who ought to relieve him thereof. Pursuer compear- ing, with James Edgar his procurator, and defender com- pearing, with George Wallace, notary in Melrose, his procurator, the former produced his sasine of the third part of Appeltrieleives, 8 September 1665, under the hand of William Kirkwood, notary, and also the foresaid Decreet of valuation, and discharges from the Earl and his factors for the teinds above claimed, which prove that before 1652 the pursuer paid to the Earl 36 l. 16 s. 4 d. for the said parsonage teinds, and since the expiry in that year of the tack of the said teinds granted to the defender and other rentallers of Longhaugh, the pursuer has paid to the Earl 45 l. 6 s. 8 d. yearly, 'in regaird the said Earle wes not obleidged to know the saids rentellars.' Among other things the defender's procurator objected that before any process the pursuer ought to be served heir in special to

deceased Peter Darling his father in the lands libelled, and defender offers to prove that the lands of Langhaugh possessed by him are only a seventh part 'off the forsaid teynds,' and so extend yearly to only 4 l. 18 s. 4 d. The pursuer oppones a decreet obtained by him against the defender, 13 June 1668. The bailie decerns the defender to pay the sums claimed and that for each of the said three years and the like sums yearly in time coming while he remains rentaller of the said lands, and to pay 3 l. of expenses of plea.

Melrose, 30 July 1670 ; Mr. Robert Maine.

Which day decerns John Daviesone, servitor to Francis Scott of Coumislie, to pay to George Pringle of Buckholme 10 l. 'for cutting off his wood in Buckholme upon the — day of last — by past' ; defender absent.

*Eodem die* decerns George Mairtene in Melrose, and Alexander Ridpethe for his interest, to pay to the Earl of Haddington 12 l. arreisted in his hands due to Ridpeth for the price of his 'yaird' in Melrose ; defender confessed.

*Eodem die* decerns Robert Pringle of Blindlie to pay to Henry Steward in Ednem 18 l., to Thomas Finla in Melrose 8 l., to Andrew Richie and Robert Sheil 10 l., to William Mertone in Westhouses 11 l. 10 s., to James Frew in Galtonside 12 l., to Janet Haliwill and Isobel Ormstone in Galtonsyd 10 l., to Agnes Ormstone in Prestongrange 14 l., to Janet Mersser 14 l., to Jean Ormstone, widow of Robert Clerk in Galtonside, 12 l., to Robert Clerk 13 l. 6 s. 8 d., to Andrew Steinstone in Longlie 6 l. 6 s. 8 d., to Janet Thomline in Longlie 6 l., to Robert Willstone and George Freir 10 l., to William Ker in Westhouses 6 l., to William Ker called 'Blak William,' 12 l., to Andrew Pringle 94 l., to James Blaikie and his neighbours 50 merks, to Mr. James Pringle in Coumisliehill 10 l., to Wa[iter] Vach and his wife in Galtonside 6 l. 6 s. 8 d. ; to Peter Frater in Edinburgh 10 l. of borrowed money, to Jean Pringle in Edinburgh 15 l., to William Giwen in Edinburgh 9 l., to Isobel Hop-

kirk in Westhouses 6 l., and to Thomas Mathiesone in Westhouses 3 l.; 'becaus the said defender sent ane particular acompt subscryvit by him conteineing the forsaidis that they wer trew.'

Melrose, 6 August 1670 ; Mr. Robert Maine.

Which day decerns Andrew Laidlaw, son of deceased William Laidlaw, in Wouplaw, and George Turner his tutor, to pay to Robert Tutup, merchant in Blainslie, 52 s. due by his deceased father to him ; pursuer deponed.

Melrose, 24 September 1670 ; Mr. Robert Maine.

Which day decerns the same to pay to Isobel Leise in Cruixtone 5 l. 10 s. 8 d. for a half year's fee ; defenders absent ; 12 s. expenses.

Melrose, 1 October 1670 ; Mr. Robert Maine.

Which day decerns Margaret Smith in Blainslie to pay to Marion Symson, wife of Andrew Fischer of Housbyre, 50 s. ' for ane half yeires service broken be the said defender from the said persewer ' ; defender absent.

*Eodem die* decerns James Darling in Westhouses to pay to George Boustone in Galashiels 6 l. 7 s. 6 d. for meal bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns James Edgar in Melrose to pay to John Bell, weaver there, 8 l. for a boll of malt received from pursuer about a year ago ; defender absent.

*Eodem die* decerns James Bunzie, weaver in Newsteid, to deliver to James Mersser, portioner there, ' ane woub off straikings pertained to Robert Forsone ' ; defender confessed.

*Eodem die* decerns George Turner in Calfhill, and James Leithen for his interest, to pay to the Earl of Haddington 4 l. 4 d. ; defender confessed.

*Eodem die* decerns Andrew Laidlaw, son of William Laidlaw in Wouplaw, and George Turner in Calfhill, his tutor, to pay to James Delgleise in Windiedores 100 l. due by defunct to pursuer; referred to pursuer, who deponed positively; 10 l. expenses.

*Eodem die* complaint by Andrew Fisher of Wester Housbyre against Alexander Trotter in Eister Housbyre, Robert Freir, Charles Watstone, his tenants, William Fischer, portioner of Longlie, and Michael Fischer his son, who daily wilfully herd their horses, nolt and sheep upon his lands of Housbyr, to the destruction of his corn and grass, and will not desist. Pursuer compearing, with John Bunzie his procurator, and said William and Michael Fisher and Charles Watson compearing personally, and James Edgar as procurator for the other two, the bailie ordains that it shall be lawful to the complainer in all time coming to exact 4 s. for each 'soume' horse, nolt or sheep, that he finds pasturing on his ground, and it shall be lawful to each of the other persons foresaid to exact 4 s. for each 'soume' of his that they find upon their lands.

*Eodem die* decerns 'all and sundrie the possessores inhabitence and coaters off the toune and lands of Dannieltone,' to remove from the same at Whitsunday next, so that Charles, Earl of Haddington, and his nominees may enter to possession; because this day they were ordained to produce their liferent rights to the said lands, and are all absent.

Melrose, 8 October 1670; Mr. Robert Maine.

Which day decerns Robert Hadone in Coumisliehill to pay to John Pringle in Fanse 5 l. 10 s. for 10 lambs' grass and summering of them; defender absent.

*Eodem die* decerns Thomas Bell, portioner of Easter Longlie, to pay to George Pringle, son of George Pringle in Coblhouse, 5 l. 6 s. for a half year's fee wrought for by the pursuer to the defender at Whitsunday last; defender absent.

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to deliver up to Thomas Bowie in Melrose a Minute of agreement made between Bowie and Alexander Heitone in Lesuden, deposited with him ; defender confessed.

*Eodem die* decerns Mungo Patone in Lesuden to pay to Andrew Uns there 4 l. 10 s. ' for breaking off ane conditione betuixt them anent the selling and buying off certaine growing cornes selled be the defender to the persewer.'

*Eodem die* decerns George Mersser, servitor to John Ker, portioner of Melrose, to pay to Andrew Reneldsone and John Moss, portioner of Darnick, for themselves and the rest of the feuars of Darnick, 12 l. for a year's fee ' broken be him to them ' ; defender denied, alleging he gave over 40 days before the term, referred to his oath, who deferred to pursuers, who deponed positively.

Melrose, 15 October 1670 ; Mr. Robert Maine.

Which day decerns Thomas Uns, portioner of Lessudden, to pay to Robert Ker of Foderlie, 3 l. 18 s. of borrowed money ; defender absent, pursuer deponed.

*Eodem die* decerns John Patone in Lessuden, Wa[lter] Patone there, David Kyll, smith, Margaret Haistie, and Katherine Riddell, indwellers in Lessuden, to pay to John Mein, portioner of Newsteid, tacksman of the mills of Melrose, 14 merks each for the multure of humble corn abstracted from the said mills, and 14 l. for abstracted multure of oats ; defenders all absent.

Melrose, 22 October 1670 ; Mr. Robert Maine.

Which day decerns Walter Ker, merchant in Melrose, to pay to Thomas Lukup, younger in Melrose, 58 s. of borrowed money ; defender absent, pursuer deponed.

*Eodem die* decerns George Wallace in Melrose to pay to Andrew Willsone, portioner of Newsteid, 42 s. for balance of a half year's fee wrought by the pursuer to the defender's

father ; referred by defender to the pursuer's oath, who deponed positively.

*Eodem die* absolves Christian Forsone, widow of Nicol Mersser, weaver in Newsteid, now spouse to James Bunyie, weaver there, from action by James Mersser, portioner of Newsteid, for delivering up to him her late husband's latter will and testament ; referred to her oath, who deponed that she never received it again after her husband's decease.

*Eodem die* complaint by James Edgar, portioner of Melrose, and James Mylne there, present tenants and possessors of the lands of Pryorwood 'with the hayned broome growing therupon,' against Janet Sheill, spouse to John Bowar in Melrose, George Sheill there, 'and remained inhabitence off the tounne off Melrois and Danzieltone,' narrating that whereas by Act of Parliament, King James VI., Parliament 6, cap. 84, it is ordained that whosoever shall destroy, pull or cut hayned broom shall for the first fault pay 10 l. and the value of the damage done, for the second fault 20 l. and the damage, and for the third fault 40 l. and the damage, or if imprisoned shall for the first fault be put in the stocks or irons 8 days on bread and water, for the second fault 15 days, and for the third fault a month, and to be scourged at the month's end ; yet the said persons daily contravene the said act and destroy the broom on the lands of Pryorwood. Pursuers compearing, defenders all absent and held as confessed, the pursuers passed from the defenders as to bygone offences and the bailie ordained that none hereafter transgress in the premises under pain of 40 s. each person for each fault, and if unable to pay then to enter prisoner in the tolbooth of Melrose and remain at their own charges during the bailie's pleasure, and this to stand as an act of neighbourhood anent the said broom in all time coming.



Melrose, 12 November 1670 ; Mr. Robert Maine.

Which day decerns William Lukup, wright in Danzieltone, to pay to John Mein, portioner of Newsteid, 6 l. 4 s. for victual ; defender absent.

Melrose, 19 November 1670 ; Mr. Robert Maine.

Which day decerns James Stodart in Galtonsdyd to pay to Andrew Mar, portioner there, 7 l. 10 s. for the price of certain hogs ; defender absent, pursuer deponed.

*Eodem die* absolves John Patone in Lesuden from action by James Archbald there for 3 l. 12 s. 'for draff and lent money' ; referred to defender's oath, who deponed negative.

*Eodem die* decerns James Edgar, younger, in Melrose, to pay to the Earl of Haddington 18 l. for his ferme bear of six acres of land in the Annay possessed by him 'for the feist and terme off Mertimes 1670 for cropt 1669,' and 18 l. for six acres of land in Danzieltone pertaining to Andrew Lukup in Danzieltone and possessed by him, for Whitsunday and Martinmas 1670 ; defender absent, pursuer deponed.

*Eodem die* 'decernes all and sundrie the feweres to mak payment to the Earle off Hadintone ther master off ther Martimes mailles and preceidings.'

*Eodem die* decerns 'all and sundrie the possessores and inhabitence off the tounes and lands off Lessuden, Newtowne, Eildone, Newsteid, Melrois, Darnick, Westhowses, and Blainslies,' to flit and remove from their parts of the same at Whitsunday next so that Charles, Earl of Hadintone, and others in his name may enter to possession, because this day they were to produce their titles and are all absent, 'and decernes against all except them that hes produced.'

Melrose, 26 November 1670 ; Mr. Robert Maine.

Which day 'the baillie discharges all the officeres off the regalitie off Melrois to areist or poynd any cornes or meall off-go within the mylne off Melrois except at my Lord Hadintones instance.'

*Eodem die* decerns David Kyll, smith in Lessudden, to pay to William Pertous in Stodrig 32 l. for bear bought from pursuer ; defender confessed.

*Eodem die* decerns John Thurburand in Lessuden to pay to Thomas Watsons in Ridpeth 4 l. for meal bought from pursuer ; defender absent.

*Eodem die* decerns David Uns in Lessuden to pay to Thomas Watsons in Ridpeth 10 l. 10 s. for oats ; defender absent.

*Eodem die* decerns Andrew Ridell in Lessuden to pay to Thomas Watsons in Ridpeth 7 l. for meal ; defender absent.

Melrose, 3 December 1670 ; Mr. Robert Maine.

Which day decerns Andrew Laidlaw and George Turner his tutor to pay to Margaret Gray in Huntlywood 5 l. 12 s. for a half year's fee ; defenders absent, pursuer deponed.

Melrose, 10 December 1670 ; Mr. Robert Maine.

Which day decerns Andrew Stodart in Camistone to pay to James Sweit there 10 l. 7 s. for a half year's fee ; defender absent, pursuer deponed.

*Eodem die* decerns David Kyll in Lessudden to pay to William Porttous there 24 l. for ferme bear ; defender absent.

*Eodem die* decerns William Robson in Lessudden to

pay to William Portous, portioner there, 6 l. for a boll of bear ; defender absent.

*Eodem die* decerns Andrew Darling of Appelltreleives, and William Willsons in Longhauch, his cautioner, to pay to Philip Darling in Spotswood 42 l. with interest contained in a Bond by them to him, 27 December 1654 ; bond produced ; 8 l. expenses.

*Eodem die* action by William Cairncroce of Allanshawes against George Turner in Calfhill to make forthcoming 500 merks due by him as tenant to William Cairncroce of Hilslope for his Whitsunday and Martinmas rent 1670, and arreisted in his hands by precept directed to Andrew Kennedy, officer, on 7 September 1670 for satisfying a Bond, 9 June 1667, by Hilslop to pursuer for 300 merks, and 30 merks of penalty, and interest, and Decreet at registration thereof, 2 November 1667. Pursuer compearing by George Wallace, notary in Melrose, his procurator, produced extract of the Bond, and the precept of poinding and arreistment, and executions thereof, with letters of supplement at pursuer's instance against Hilslope, who dwells not within the regality, and whom Hew Cheislie, messenger, summoned to this day for his interest ; defenders absent, whereupon the bailie decerns them to make forthcoming as craved ; 15 l. expenses.

*Eodem die* action of poinding at Allanshaw's instance against Hilslope and the said George Turner, his tenant in Calfhill, narrating that pursuer is heritably infeft in an annualrent of 154 l. 10 s. corresponding to the principal sum of 3866 merks and upliftable at two terms yearly out of the lands of Hilslop, lands, room and steading of Calfhill, with houses, yards, and pertinents, lying in the regality of Melrose, conform to his sasine, 16 October 1660, which annualrent lies unpaid for Whitsunday and Martinmas 1669 and Whitsunday and Martinmas 1670, and the defenders will neither pay nor suffer him to poind. Pursuer compearing by George Wallace, his procurator, produced the sasine, and letters of supplement

whereby Hew Cheislie apprehended the said William Cairncroce of Hilslope personally in Edinburgh; and both the defenders being absent, the bailie ordains precepts to be directed to officers of the regality to poind and distrain their goods and plenishing upon the said lands, which failing, the ground right and property of the same, for these bygones and for succeeding years after the respective terms of payment, so long as the said annual-rent remains unpaid; 10 l. expenses.

*Eodem die* action at instance of Walter Cairncroce, eldest lawful son of William Cairncroce of Allanshaws, against George Turner in Calfhill, and William Cairncroce of Hilslope, his master, for his interest, narrating Decreet of apprising obtained in the tolbooth or new Session house of Edinburgh on 5 February 1667 before John Clerk, messenger, by John Willsons, merchant burges of Edinburgh, against the said William Cairncroce of Hilslope and William Cairncroce of Allanshaws, the pursuer's father, apprising from them the lands of Maxpoffle, Calfhill, Loudupmoore, Hilslope and manor place thereof, pertaining to the Laird of Hilslope, and the lands of Allanshawes pertaining to the other, with all and sundry pertinents, and all titles and deeds effeiring thereto, for satisfaction to Wilson of 2389 l. 12 s. of principal, 200 l. of expenses, and all annualrents, extending in all at Candlemas 1667 to 2983 l., contained in a Bond by the said Lairds to Mr. Mark Ker of Morestone dated 17 October 1662, registered in Books of Council and Session 13 July 1666, and assigned by Ker to Wilson, 12 July 1666, and also for payment of 147 l. of sheriff fee; which Bond, assignation and apprising Wilson, on 21 March 1667 retrocessed and transferred again to Mr. Mark Ker, registered in the regality books of Melrose, 24 July 1669, and Ker by his Disposition, 2 November 1670, assigned and disposed his whole right as above to the said Walter Cairncroce, pursuer; who by virtue thereof has oftentimes desired the said George Turner, tenant in Calfhill, to pay to him 400 merks as the maill and duty of the said lands

for Martinmas 1670, but Turner refuses. Pursuer comparing personally, with George Wallace his procurator, produced his titles as above; defenders absent, the bailie ordains Turner to pay to pursuer 400 merks libelled, and 20 l. of expenses of plea.

Melrose, 17 December 1670; Mr. Robert Maine.

Which day absolves John Dawsons in — from action by Thomas Hunter in — ‘for the loseing off ane yew hirded be him pertaining to the said Thomas,’ which pursuer referred to his oath, who deponed ‘he intimat the lose of her to the said Thomas within 2 dayes and that he put her not away.’

Melrose, 24 December 1670; Mr. Robert Maine.

Which day absolves Andrew Fischer of Westerhousebyr from action by John Lithgow, writer in Edinburgh, for 15 l. 15 s. contained in assignation by John Trotter in Leith to the pursuer; because defender produced a discharge from Alexander Joysie, who had a prior assignation, for 12 l. 8 s., and the balance of 3 l. 7 s. being referred to his oath he deponed he was owing Trotter nothing.

Melrose, 31 December 1670; Mr. Robert Maine.

Which day absolves John Patone in Lesuden from action by James Archbald there for six bolles of bear received by defender in the pursuer's name from Lady Mertone's tenants in Eiliesone, at 9 l. the boll, *inde* 54 l., and 24 l. as the price of a brown mare taken by defender from the pursuer; ‘becaus the lybell being reffered to the persewers probatione, who deponed all that he was payed off 3 bolles and that Mr. John Dick areisted the uther thrie, and as to the nag deponed it was lauffullie poynded be the defender from the persewer.’

*Eodem die* decerns Adam Troumble, mason in Newsteid,

to pay to Janet Wilkiesone in Selkirk 3 l. ‘for changing of ane ill half croune and gave boath the ill and the good money’; referred to pursuer’s oath, who deponed positively.

*Eodem die* decerns Andrew Mersser ‘Wynd’ in Darnick to pay to Thomas Bowie in Melrose 40 s. for rent and duty of a yard in Darnick; defender absent.

Melrose, 7 January 1671; Mr. Robert Maine.

Which day decerns William Andersone in Ridpeth to pay to William Bell, portioner there, 3 bolls of bear arreisted in his hands pertaining to John Anderson, ‘Eister,’ portioner of Ridpeth, ‘deduceing and allowing off the forend of the said beir 5 l. for my Lords few and 44 s. payed to the said John Andersone befor the areistment’; defender deponed he was resting ‘no mor but the superplus of the 5 l. and 44 s.’

*Eodem die* absolves Thomas Mylne in Ridpeth from action by said William Bell for 10 bolls of bear arreisted in his hands due by him to said John Anderson ‘Eister’ his master; defender deponed he was resting nothing at the time of arreistment.

*Eodem die* decerns Thomas Low in Melrose, as cautioner for John Tailyor in Midellum, to pay to William Wallace, weaver, 2 l. 13 s. ‘for certaine sheips meit and tauche’; defender confessed.

*Eodem die* decerns Margaret Broun in Melrose and Walter Ker her son to pay to Andrew Ker of Kipilaw 15 l. for wheat bought by them from him; defenders absent.

*Eodem die* decerns Robert Ker of Fotherlie, portioner of Lessuden, and Walter Gibson there, in name of the town of Lessudden, to pay to Thomas Uns, portioner there, 4 l. for extracting a decret before Jedburgh court, the libel being proved by Mungo Patone and Mungo

Purves, witnesses; and absolves them in name of the remanent portioners of Lessudden from action by said Thomas Uns against them for 6 l. for taxation, found not proven.

Melrose, 14 January 1671; Mr. Robert Maine.

Which day 'advocatione James Fischer *contra* Mr. John Lythgow was produced and admitted.'

*Eodem die* decerns John Wallace, portioner of Blainslie, to pay to Patrick Archiesone in Earstone 3 l. 'for biging of ane wall'; defender absent, held as confessed, pursuer deponed.

Melrose, 21 January 1671; Mr. Robert Maine.

Which day decerns Andrew Laidlaw, lawful son of deceased William Laidlaw in Wplaw, and George Turner in Calhill, his tutor, to pay to [name omitted] 8 l. 5 s. due by defunct to pursuer; defenders absent, pursuer deponed.

*Eodem die* decerns William Bell, portioner of Galtonside, to pay to George Wederstone in Sorowlesfeild 16 l. 4 s. for a half year's fee and a boll of bear; defender absent, pursuer deponed.

*Eodem die* decerns Margaret Freir in Galtonside to pay to George Wederston in Sorowlesfeild 4 l. 8 s. 6 d. for a half boll of bear bought from pursuer; defender absent, pursuer deponed.

Melrose, 28 January 1671; Mr. Robert Maine.

Which day, decerns Alexander Trotter in Eister housebyre to pay to James Urquhart, merchant burgess of Edinburgh, 60 l. with two years' interest, due by him to James Turner in Longshaw, and arreisted at pursuer's instance for debt; defender absent; 8 l. expenses.

*Eodem die* decerns George Turner in Calhill to pay to

William Cairncroce, son of Andrew Cairncroce of Longlie 15 l. due by defender to Walter Cairncroce of Allanshawes and arreisted in his hands ; defender absent.

*Eodem die* decerns William Anderson in Danzieltone to pay to William Ecklis in Newtoun 9 l. for a boll of bear bought from pursuer ; defender denied and referred it to his oath, who deponed ' he and the defender agried for 9 l.'

Melrose, 4 February 1671 ; Mr. Robert Maine.

Which day decerns John Broun in Newsteid to pay to James Mein, ' Tounheid,' 5 l. 12 s. for certain straw bought from pursuer ; referred to defender, who deferred to pursuer, who deponed positively.

*Eodem die* absolves Mr. Andrew Darling in ' Apptrieles ' from action by Philip Darling in Spotswood for 100 merks with 10 merks of penalty and the due interest, contained in Bond, 23 July 1655, by deceased Robert Darling, defender's father, to the pursuer ; referred to defender's oath, who deponed he never intromitted with his father's goods, gear, or debts, ' to the best of his knowledg.'

Melrose, 11 February 1671 ; Mr. Robert Maine.

Which day absolves George Wedertone in Sorowlesfeild, from action by William Bell, portioner of Galtonsyd, for 17 l. 15 s. for the price of ten hogs ; referred to defender's oath, who deponed he received the hogs but paid the pursuer for them.

*Eodem die* decerns John Penman in Melrose to pay to James Mein ' Tounheid ' 3 l. as balance of price of a ' naig ' bought from pursuer ; referred to pursuer's oath, who deponed positively.

Melrose, 18 February 1671 ; Mr. Robert Maine.

Which day decerns James Fischer in Cleakmae to pay to Mr. John Lithgow, portioner of Ridpeth, heritable pro-



prietor of the mill of Ridpeth, 50 bolls of oats and 12 bolls of bear abstracted by him from the pursuer's mill since 1669, or 30 l. as the price of the dry multure thereof; and decerns him to bring all his corn growing on the lands of Cleakmea to be ground at the pursuer's mill and pay the multure, etc., conform to use and wont, in all time hereafter.

*Eodem die* decerns Walter Ridell in Bentmylne and Andrew Ridell, portioner of Lessudden, to pay to Charles Watsone in Longlie 8 l. equally between them; defenders confessed.

*Eodem die* complaint by Andrew Patersone, weaver in Danzielstone, against John and William Andersone, portioners there, who 'most wrongouslie refouse to red and cleir merchs of the dyks and hedges betuixt them and the said persewer in Danzielstone,' to his great prejudice, he being damaged to the extent of 10 l. The bailie ordained John Mertone and Andrew Lukepe to pass with Thomas Ellies to the ground of the dyke and hedge controverted, and try the matter and report in writ next court, and set down march stones there; who on 28 January last reported as follows: 'We Thomas Ellies, Andro Lukup and John Mairton, indwellers in Danzielton,' having passed to the ground of the dykes and hedges controverted between William and John Anderson on the ane part and Andrew Paterson on the other part, 'finds that the samen dyk and hedg pertienes and belongs to the said Andro Patersone,' and have set march stones between 'the saids pairties and pairts of the said dyk and hedg' which are declared to be the right meithes and marches between them; Melrose, 21 January 1671, witnesses, Andrew Kennidie, officer, Andrew Phaup, notary, and Andrew Chisholme, officer in Darnick. The bailie interpones his authority and decerns the finding to stand as an act of neighbourhood in all time coming under pain of 20 merks for each contravention.

Melrose, 25 February 1671 ; Mr. Robert Maine.

Which day decerns George Ellies, and James Uscher in Darnick, his cautioner, to pay to Andrew Chisholme, portioner of Darnick, 7 l. 10 s. conform to an account, proven by Andrew Reneldsone and John More, portioners of Darnick.

*Eodem die* decerns Thomas Bell, portioner of Longlie, to pay to Andrew Steinstone in Longlie 9 l. for a half year's fee wrought for by the defender [*sic*] to the pursuer [*sic*]; defender absent, pursuer deponed.

*Eodem die* decerns said Thomas Bell to pay to George Notman in Longlie 6 l. 10 s. for a half year's fee wrought to the defender by the pursuer; defender absent, pursuer deponed.

*Eodem die* decerns Charles Watsone in Longlie to pay to Mr. Michael Fischer, clerk to the Earl of 'Knidsdaill,' 6 l. arreisted in his hands and due by him to Thomas Bell his master; defender absent.

Melrose, 27 February 1671 ; Mr. Robert Maine.

Retour [*in Latin*] of the service of George Blaikie, indweller in Melrose, as nearest agnate, that is, kinsman on the father's side, to Helen Blaikie, lawful daughter of deceased William Blaikie in Burnbrea, and he being above twenty-five years of age and in a capacity to administer her estate is consequently appointed tutor to her; the names of the assise being, James Ker, elder, in Melrose, James Edgar, elder, portioner of Melrose, Andrew Tuno and George Wallace, portioners there, Andrew Patersone, weaver there, William Lukup, carpenter there, William Wallace, merchant there, James Mylne there, Thomas Lukupe, carpenter there, William Bowar, portioner there, Andrew Mein, mason in Newsteid, Adam Troumble, mason there, Andrew Mar, portioner of Galtonside, Alexander Mein, mason in Newsteid, and Thomas Bowie, indweller in

Melrose. Thomas Wilkieson, clerk of regality, writes the deed.

Melrose, 18 March 1671 ; Mr. Robert Mainie.

Which day decerns John Patone in Lessudden to pay to Lancie Broun in Lesuden 2 l. 18 s. due to Thomas Gastone there and arreisted in his hands ; defender's wife confessed.

*Eodem die* decerns Walter Ker in Melrose to pay to James Lawson in Galashiels 5 l. 18 s. for merchandise bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns James Wauch in Melrose ' to cum in the will of Georg Pringle of Buckholme for the soume of 13 l. Scotts ' due by defender to him, as proved by George Mairton and Thomas Law.

*Eodem die* decerns said James Wauch to pay to Thomas Law younger [?] in Melrose 7 l. 15 s. for bear and oats and other things ; defender denied, pursuer adduced George and Andrew Mertone as witnesses, who deponed positively.

*Eodem die* decerns said James Wauch to pay to George Merton in Melrose 12 l. 10 s. of borrowed money ' and for the customes ' ; defender absent, held as confessed.

*Eodem die* decerns Andrew Laidlaw in Owplaw and George Turner in Calhill his tutor to pay to Andrew Litle in Fairnihirst 10 l. 10 s. of borrowed money, borrowed by deceased William Laidlaw the defenders' father ; defenders absent, pursuer deponed.

*Eodem die* decerns George Hoy, ' Eist Coatt,' in Galtonside to pay to John Halywill, younger, in Galtonside 26 l. 6 s. of borrowed money ; defender absent, pursuer deponed.

*Eodem die* decerns George Ellies in Darnick to pay to James Robsone in Newsteid 10 s. for bear ; defender confessed.

Melrose, 1 April 1671 ; Mr. Robert Maine.

Which day decerns William Wallace, weaver in Melrose, to pay to James Bowar, servitor to Mr. Robert Maine of Lochwood, indweller in Crochillheid, 5 l. as balance of price of sheep bought from pursuer, deducting 30 s. due by pursuer to the defender's wife ; referred to pursuer's oath, who deponed positively.

Melrose, 13 May 1671 ; Andrew Mar, portioner of Galtonside, bailie-depute (*pro tempore* ?)

Which day decerns John Sklaiter in Eildone to pay to James Hunter in Melrose 3 l. 2 s. for a half year's fee wrought for by pursuer to defender ; defender confessed.

*Eodem die* decerns George Wallace in Melrose to exhibit in the clerk's hands a contract of marriage made between James Sheil, portioner of Earlstone, and Helen Fischer, lawful daughter of Isobel Lithgow, pursuer, with her consent, that the same may be registered in the court books and the parties have extracts on their own charges, provided the said George Wallace is satisfied for his pains in writing thereof.

*Eodem die* decerns William Andersone in Danzieltone to pay to John Mein in Newsteid 8 l. 6 s. 8 d. for meal ; defender absent.

Melrose, 20 May 1671 ; Mr. Robert Maine.

Which day decerns Andrew Cairncroce of Longlie to pay to Thomas Watson in Ridpeth 4 l. 10 s. for three carriages to Edinburgh ; defender absent, pursuer deponed.

*Eodem die* absolves Lencie Broun in Lessuden from action by James Gaston there for 8 l. of house maill and 13 s. 4 d. for two kain fowls ; defender denied, referred to his oath, who deponed negatively ' that he was not auchtand the persewer a grott.'

Melrose, 27 May 1671 ; Mr. Robert Maine.

Which day decerns James Rollmainhouse in Blainslie to pay to James Fischer in Cleakmea 7 l. 10 s. for a boll of bear ; defender confessed.

*Eodem die* the bailie discharges Janet Mein in Newsteid ‘from any further keeping of ane scholl, in regaird the scholl of Melrois is prejudged,’ under the pain contained in the act of court made thereanent.

*Eodem die* decerns William Fischer and Charles Watson in Longlie to pay to John Dawsoun in Craiksfourd 7 l. ‘for biging of ane fold in Housbyre’ ; defenders confessed they promised payment to him.

*Eodem die* absolves James Mylne in Melrose from action by George Wederston in Sorowlesfeild for 15 l. due by him to William Bell, portioner of Galtonside, and arreisted in his hands ; defender deponed he was resting nothing to William Bell at the time of arreistment.

Melrose, 3 June 1671 ; Mr. Robert Maine.

Which day absolves John Thin in Blainslie from action by Edward Darling there ‘for cuting his meidow ground’ ; not proven.

*Eodem die* decerns John Thine in Blainslie to pay to Marion Hall and James Edgar, procurator fiscal, 10 l. ‘for breaking and casting fail in the said Marone Hall her meidow ground and for pulling up of merch stones’ ; proven.

Melrose, 5 June 1671 ; Mr. Robert Maine.

Which day decerns Thomas Uns, portioner of Lesudden, to pay to James Edgar, fiscal, 50 l. ‘for stryking and blooding of John Coat, portioner there,’ on 2d June instant ; referred to both their oaths, and said John deponed that said Thomas Uns ‘strok him and bled him with a

key,’ and Thomas is ordained to remain in prison until he pay ; absolves John Coat, he deponing that he neither struck nor bled Uns ‘but only held him by the armes to defend himselff.’

Melrose, 10 June 1671 ; Mr. Robert Maine.

Which day decerns James Turner and John Edie, indwellers in Hilslope, to pay to Walter Cairncroce of Allanshawes 3 l. 4 s. ‘for ther pairt of the fracttione of a muskit for the malitia payed out be the persewer for the defenders’ ; defenders absent.

*Eodem die* decerns Lancie Broun in Lessudden either to redeliver to Robert Richieson in Maxton a calf skin given by pursuer to him to dress, or pay a certain sum ; defender confessed having the skin.

*Eodem die* decerns Thomas Plendergaist in Longshaw to pay to Margaret Blaikie in Burnbrea 6 l. for linen and other things furnished by pursuer ; defender absent, pursuer deponed ; and pursuer confessed she had ‘as much lining in her hands as will be 3 bands,’ and the bailie decerns her to give it up to the defender.

*Eodem die* William Crenstone of Ron, portioner of Blainslie, to pay to Thomas Darling there 3 l. 12 s. for ale drunk by him in pursuer’s house ; defender absent, pursuer deponed.

*Eodem die* decerns Thomas Bichett in Danzielton to pay to John Lithheid, portioner of Melrose, 12 s. 6 d. for pease straw bought from pursuer ; defender confessed.

*Eodem die* decerns Thomas Plendergaist in Longshaw to pay to said John Lithheid in Melrose 48 s. for ale and drink furnished ; defender absent, pursuer deponed.

*Eodem die* decerns John Kyll in Lesuden to pay to John Bryden there 6 l. 12 s. ‘for his dauchters fie, and beir awand be the defender to the persewer’ ; defender [*sic*] present and deponed positively.

Melrose, 17 June 1671 ; Mr. Robert Maine.

Which day decerns John Halywill, weaver in Galtonsyd, to subscribe and deliver to John Scott there an assignation by him to the pursuer of his right of a house and yard in Galtonside, conform to a condition passed between them ; defender confessed the condition, 'provyding it be upon the said persewer his own expenses.'

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to extract a decreet obtained at the instance of Philip Darling in Spotswood against Andrew Darling of Apple-treeleaves, and William Wilson in Longhauch, as his cautioner, 'becaus the said Andro Darling did not insist against the said persewer what he had to lay to his charg, and therfor decerns the decreit to be extracted without finding cautione.'

*Eodem die* decerns Adam Darling in Westhouses to pay to Thomas Darling in Blainslie 7 l. 10 s. 'for certaine meall and aill drunken be the defender in the persewers house' ; defender absent, pursuer deponed.

Melrose, 24 June 1671 ; Mr. Robert Maine.

Which day decerns George Ellies, wright in Darnick, to pay to Robert Spotswood there 6 l. for timber bought from pursuer ; pursuer adduced as witnesses John Fischer and Andrew Mersser, who deponed positively.

*Eodem die* decerns all and sundry the feuars and porcioners of the regality of Melrose to pay to the Earl of Haddington, their master, their Whitsunday and Martinmas maills 1671 and feufarm crop 1670.

*Eodem die* absolves Robert Spotswood in Darnick from action by George Ellies there for 11 l. for necessities ; referred to defender, who deponed 'negative as to every particular.'

*Eodem die* decerns James Wauch in Melrose to pay to

John Wallace, servitor to Mr. William Flescher in Edinburgh, 5 l. 7 s. as interest of 50 merks due to him, and for another sum due to the Bishop's Lady, to which the pursuer was assigned ; defender confessed.

*Eodem die* decerns John Purves in Lessuden to pay to Thomas Uns there 6 l. and a boll of bear for a half year's fee promised by pursuer to the defender, because the defender feed himself with another.

*Eodem die* absolves Helen Ker in Melrose from action by George Wallace there against her 'for violentlie posessing off ane house in Melrois perteing to the said persewer and given over be the defender befor Witsunday' ; referred to defender's oath whether or not 'she gave him over,' who deponed negative.

Melrose, 1 July 1671 ; Mr. Robert Maine.

Which day absolves Alexander Lithgow of Drygrange from action by James Sheill, feuar of Hauchheid, portioner of Earlston, against him 'for to sell annailzie and dispoine to the said persewer all and hail the lands of Cleakmea and Kaidslie doores perteing to the said defender' and grant all sufficient titles and security for transferring the same to the pursuer and his heirs and assignees, and to cause Margaret Elliott his spouse consent thereto and judicially renounce her liferent right thereto before 31st March last, under a penalty of 100 l., 'and thereupon did receive from the persewer ane noble extending to 4 l. Scotts money of earnist,' all conform to Minute of Agreement between them dated — January last ; because 'the forsaid lybell being not fund relivant be the said baillie deput and ther being ane clause in the said minut provyding if the Earle off Hadintone was content to receive the said persewer vasall, if not, boath pairts sould be fred of the said bargane' ; and admits to pursuer's probation the giving of 4 l. in earnest.

*Eodem die* decerns Charles Watson in Longlie to pay to



Agnes Gill in Melrose 4 l. arreisted in his hands pertaining to Jean Hunter in Edinburgh ; defender absent, pursuer deponed.

*Eodem die* decerns Hew Ormston in Westhouses either to deliver to George Wederston in Sorowlesfeild 5 l. or else to deliver to him 'ane stufe clock' bought from pursuer ; defender confessed.

*Eodem die* decerns Thomas Law, weaver in Melrose, to pay to James Wauch there 4 l. 11 s. 8 d. due by defender to James Myln, and to which the pursuer is assigned ; also 9 l. for a boll of bear received from pursuer by Thomas Mein in Eildon upon the defender's account ; defender confessed the 4 l. 11 s. 8 d., and as to the 9 l. the same was proven.

*Eodem die* advocacion Thomas Mylne *contra* George Pringle of Buckholme was produced and admitted.

Melrose, 8 July 1671 ; Mr. Robert Maine.

Which day decerns John Broun in Newsteid to pay to James Merasser there 3 l. 10 s. for straw and corn due by defender to pursuer ; defender confessed.

*Eodem die* decerns David Uns, portioner of Lessudden, to flit and remove from a half husband land in Lessudden, with houses and pertinents, at Whitsunday last, 1671, so that Walter Scott of Raeburne and others in his name may enter to possession ; William Lithgow, pursuer's procurator, produced Scott's sasine of the lands ; defender absent, his wife present refused to find caution for the violent profits.

Melrose, 15 July 1671 ; Mr. Robert Maine.

Which day decerns Patrick Lukepe, in Melrose, and Jean Fischer his spouse to pay to Christian Patersone in Kelso 4 l. for a half year's fee ; defenders absent, pursuer deponed.

*Eodem die* decerns Thomas Law in Melrose to pay to James Bowar in Eildon 6 l. 16 s. for a half year's fee; defender confessed 'and alledgit the persewer promised to spair him untill he gott it,' which being referred to pursuer's oath the latter deponed negative.

Melrose, 22 July 1671; Mr. Robert Maine.

Which day decerns Thomas Blaikie in Galtonside and Margaret Darling his spouse to pay to Thomas Boustone in Galtonside 3 l. 5 s. as balance of price of malt; defender denied, and referred it to pursuer's oath, who deponed positively.

*Eodem die* decerns George Pringle in Coblhouse to pay to James Edgar, fiscal, 50 l. arreisted in his hands pertaining to George Pringle of Blindlie; defender confessed being due to his master 50 l. at Candlemas; supersedes extract till Candlemas.

*Eodem die* decerns Helen Smaill in Melrose to pay to Isobel Ellies, wife of James Edgar in Melrose, 6 l. 9 s. for a half year's fee, because the defender feed herself with the pursuer and did not give her over again but feed herself with another.

Melrose, 29 July 1671; Mr. Robert Maine.

Which day absolves James Wauch in Melrose from action by Thomas Lukupe, wright there, 'for the teilling and shearing of the tenter yaird pertaining to Patrik Lukupe in Melrois and taken betuixt them this present cropt and yeir of God 1671'; because the libel was not found proven, 'and the said persewer gav it all offer to the defender.'

Melrose, 5 August 1671; Mr. Robert Maine.

Which day decerns Elspeth Ker in Longhauch either to enter home to the service of George Pringle of Buck-

holme till Martinmas next or pay him 13 l. 16 s. for fee ; defender absent.

*Eodem die* decerns George Pringle in Westhouses to pay to Thomas Boustone in Galtonside 4 l. 10 s. as balance of price of malt ; defender absent.

Melrose, 19 August 1671 ; Mr. Robert Maine.

Which day decerns Margaret Lythgow, spouse to James Ellies of Huntlywood, to pay to Isobel Ellies, spouse to James Edgar, in Melrose, 3 l. 10 s. arreisted in her hands pertaining to Helen Small her servant ; defender confessed the same to Andrew Kennidie, officer, and upon his declaration the bailie decerned.

Melrose, 7 October 1671 ; Andrew Mar, portioner of Galtonside, bailie-depute, *pro tempore*.

Which day decerns Robert Pringle of Blindlie to pay to James Edgar, fiscal, 50 l. 'for ane amerciament and fyne [*sic*] comitted be him upon Jonnett Thomsone in Westhouses and Margaret Gill ther' ; defender absent.

*Eodem die* decerns said Robert Pringle to pay to said Janet Thomson 55 s. 'for briking of ane poote and ane lock broken be the said defender to the said persewer' ; pursuer adduced as witnesses James Patersone in Westhouses and Janet Burne his spouse, who deponed positively.

Melrose, 14 October 1671 ; Andrew Mar.

Which day decerns George Cairncroce in Longlie to pay to John Anderson in Ridpeth 4 l. 16 s. 4 d. for meat and drink furnished by pursuer ; defender denied, referred to his oath, who deferred to pursuer's oath who deponed positively.

*Eodem die* decerns Thomas Watson in Blainslie to pay to William Murdo in Birkinsyd 3 l. 6 s. 8 d. as the price

of a black mare bought from pursuer last Midsummer day ; referred to defender's oath, who deferred to pursuer, who deponed positively.

Melrose, 28 October 1671 ; Mr. Robert Maine.

Which day decerns William Andersone in Ridpeth and John Andersone his son to pay to John Govenlock, herd in Ridpeth, 20 l. borrowed by them from him about twenty years ago ; defenders absent.

*Eodem die* decerns John Thurburand in Lessudden to pay to James Turner in Dryburgh 7 l. 6 s. 8 d. for a boll of bear bought from pursuer ; defender denied, referred to his oath, who deferred to pursuer, who deponed the sum was justly due.

*Eodem die* decerns John Hoy in Galtonside to pay to Margaret Eliott, wife of Alexander Lythgow of Drygrange, 2 l. 11 s. 4 d. 'for ane pynt stope full of hunie lost be the said defender to the persewer' ; defender absent.

*Eodem die* decerns Andrew Cairneroce of Wester Longlie to pay to John Andersone in Ridpeth 5 l. 4 s. due by him to George Cairneroce his servitor and arreisted in his hands ; William Cairneroce son of the defender, confessed.

*Eodem die* decerns William Fischer of Eister Longlie to pay to Thomas Boustone in Galtonsyd 4 l. 8 s. 6 d. for straw and broom bought from pursuer ; referred to defender's oath, deferred to pursuer, who deponed positively.

*Eodem die* decerns Thomas Bowie in Melrose to pay to John Lithheid there 11 l. 6 s. contained in decreet at defender's instance against pursuer 'after the samen was payed' ; referred to pursuer's oath, who deponed positively 'that he had the said soume 2ce over.'

Melrose, 4 November 1671 ; Mr. Robert Maine.

Which day decerns Katherine Riddell in Lessudden to pay to John Handiesone, burgess in Selkirk, 4 l. 15 s. for wool bought about 3 years ago ; defender absent.

*Eodem die* decerns William and John Anderson in Ridpeth to pay to John Gownlock, herd there, 11 l. 16 s. 4 d. for the pursuer's herd-boll for herding the defender's sheep, crops and years 1669, 1670, 1671 ; defender absent.

*Eodem die* decerns William Hunter in Ridpeth to pay to John Andersone there 4 l. 18 s. 4 d. due to pursuer ; defender denied, pursuer referred it to his oath, who deferred to pursuer, who deponed positively.

*Eodem die* decerns Willaim Lukup, portioner of Dinzeltone, to pay to Adam Neill in Fans 21 l. as the price of a black ' kyne ' bought from pursuer ; defender absent, pursuer deponed.

Melrose, 10 November 1671 ; Mr. Robert Maine.

Which day decerns all and sundry the following to pay to Francis Scott of Longshaw, viz. John Frater in Longhauch 20 s. as the price of the multure of 3 bolls and 4 small fulls of oats abstracted from pursuer's mill of Longshaw ; Marion Hadone there 3 l. as multure of 6 bolls of oats and 2 bolls of humble corn abstracted ; Mr. Andrew Darling, portioner of Appletrieleives, 3 l. as multure of the like quantities ; John Greive in Blainslie 20 s. for multure of 2 bolls humble corn ; George Moffit there 5 s. for multure of 3 half firlots humble corn ; James Rolmanhouse there 5 s. for multure of 3 half firlots humble corn ; James Dewar there 12 s. for multure of a boll of humble corn ; John Sounhouse there 12 s. for the same ; James Sounhouse there 3 s. for multure of 2 fulls of humble corn ; John Wallace there 12 s. for multure of a boll of the same ; Robert Sheill there 12 s. for the like ;

James Wilsone there 4 s. for multure of 2 fulls and 5 copfulls of humble corn ; George Clapertone in Ladupmoore 3 l. 10 s. for multure of 4 bolls of malt ; and Thomas Watsone in Blainslie 12 s. for multure of a boll of humble corn ; abstracted of crop 1670. Pursuer referred to defender's oaths, who deponed as above ; 6 s. expenses for each defender.

*Eodem die* decerns John Sounhouse, portioner of Blainslie, to pay to Thomas Lythgow, macer in Ersiltone, 3 l. 10 s. for services done by pursuer to him ; defender denied, pursuer referred to his oath, who deponed he was owing the pursuer no more than the above sum.

*Eodem die* decerns Thomas Bichott in Danzieltone to pay to Andrew Penman in Melrose 32 s. 4 d. for ale and oats furnished by pursuer ; referred to defender's oath, who deponed he was owing only the above sum.

*Eodem die* absolves John Govenlock, herd in Ridpethe, from action by John Anderson there for certain sheep, ewe hogs and lambs, lost by the defender about seven years ago, valued at 64 l. ; referred to defender's oath, who deponed negative to the whole ; 18 s. expenses of plea.

Melrose, 18 November 1671 ; Mr. Robert Maine.

Which day decerns William Notman in Threipwood to pay to Helen Frater in Bridgend 5 l. for a harvest fee wrought for to the defender in 1668 ; defender absent, pursuer deponed.

*Eodem die* decerns John Lithheid, portioner of Melrose, to pay to Sir Thomas Ker of Cavers 12 l. for sheep bought from pursuer four or five years ago ; Andrew Phaup, pursuer's procurator, referred to defender's oath, who confessed the debt.

*Eodem die* decerns George Hounam in Bridgend to pay to Nicol Uscher there 9 l. 6 s. 8 d. as balance of a greater

sum due to pursuer by bond ; referred to defender's oath, who deferred to pursuer, who deponed positively.

*Eodem die* decerns Mungo Patone in Lessudden, John Lithane there, and Malie Richiesone there to pay to Margaret Park in St. Boswells as follows, viz. Paton to pay 42 l. for the ferme bear of a half husband land in Lessudden possessed by him pertaining to her in liferent, crop and year 1671 ; Leithane 63 l. for a half husband land possessed by him in Lessudden, said crop ; Richieson 66 l. 10 s. for ferme bear of a husband land a half there, said crop ; defenders all absent ; 17 l. expenses.

*Eodem die* decerns Thomas Mersser in Drygrange to pay to Thomas Milne in Ridpeth 6 l. 16 s. due by defender to Alexander Lythgow of Drygrange his master 'and drawn in ane precept be the said Alexander to the said defender to pay the persewer' ; defender absent, pursuer deponed.

*Eodem die* decerns Thomas Bichott, herd in Eildon, to pay to William Eckills in Newton four merks 'for ane gim twenter ew<sup>1</sup> bought be the persewer from the defender and neiver delywered nor receaved be the defender to the persewer' ; defender confessed, and deponed he was due the pursuer nothing more.

*Eodem die* decerns all and sundry the portioners, feuars, farmers, tacksmen, possessors and occupiers of the lordship of Melrose to pay to Charles, Earl of Haddington, their maills and fermes for Martinmas 1671 and arrears.

Melrose, 25 November 1671 ; Mr. Robert Maine.

Which day decerns James Lambe in Melrose to pay to John Leithheid there 5 l. 16 s. for 4 sheep 'bouks' bought from pursuer ; defender confessed.

*Eodem die* decerns John Quarie in Eildon to pay to

<sup>1</sup> ? 'neat two year old ewe.'—Jamieson.

Robert Riddell in Newsteid 4 l. 16 s. for a boll of bear bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns John Leithheid in Melrose and Margaret Leithheid his spouse to pay to James Lambe there and Margaret Wauch his spouse 10 l. 12 s. of money and for meal borrowed from the pursuers ; defenders denied, referred to their oaths, who deferred to pursuers, who deponed positively.

*Eodem die* decerns Thomas Uns, portioner of Lessudden, to pay to Adam Harvie in Boudone 4 l. 5 s. 4 d. for a harvest fee, 1671 ; referred to defender's oath, who confessed.

*Eodem die* decerns John Leithheid in Melrose to pay to Sir Thomas Ker of Caverse 9 l. 18 s. 8 d. as remains of price of sheep bought from pursuer ; because the defender promised to the bailie to speak with the pursuer and bring a testificate from him that it was paid, who failed therein.

*Eodem die* decerns Robert Cochorane in Lessudden to pay to John Gray in Ancrum 32 l. for half a husband land in Lessudden possessed by the defender pertaining to the pursuer, crop and year 1670, and to relieve pursuer of the teinds thereof for the crops and years possessed by the defender, being seven years ; defender confessed he possessed the land seven years ' bygain and to the yeire 1670, denyed he posseste it nor yet promised the persewer payment of the ferme, and alledgit that persewer took John Uns subtenant for his paymaister.' Pursuer answered that he never agreed with any person but the defender ; defender referred to his oath if he did not take Uns cautioner for him, who deponed he did not, and agreed with no man but the defender.

Melrose, 2 December 1671 ; Mr. Robert Mainie.

Which day decerns Thomas Uns in Lessudden to pay to Andrew Phaupe, younger, in Melrose 4 l. 4 s. for two



meikle fulls of wheat and a full of bear due to pursuer conform to his ticket; referred to pursuer's oath, who deponed positively.

*Eodem die* decerns Alexander Clapertone in Appletrieleives to pay to Hew Young in Galashiels and Grizel Rodger his spouse 4 l. 16 s. for nursing a child to the defender, 'who leived only 22 dayes with the persewer'; referred to defender's oath, who deponed 'he leived only 22 dayes with the persewer.'

*Eodem die* decerns John Ker, portioner of Melrose, to pay to John and George Mersser, servitors to Mr. Robert Maine of Lochwood, 26 l. to George for 2 year's fee wrought for by him to the defender, 1669 and 1670, and 55 l. to John 'for uther 2 yeires fie and remaine of ane uther fie, 1668, 1669 and 1670 yeires'; defender absent, pursuer deponed.

*Eodem die* action by Walter Cairncroce of Allanshaw against George Turner in Calfhill to make forthcoming to him 400 merks due by him to William Cairncroce of Hilsloppe, his master, for his half year's rent of the lands of Calfhill, Martinmas 1671 to Whitsunday 1672, and arreisted by Andrew Kennedy, officer, in his hands for payment of 236 l., 20 l. of penalty, and interest contained in a Bond by Hilslope to the pursuer, 30 December 1670, and decreet 15 August 1671 at pursuer's instance in reference thereto; defender compearing, and Hilslope absent, the defender confessed owing the said sum to his master, which he is therefore decerned to make forthcoming, deducting public burdens, minister's stipend, feu and teind duties for said term and crop.

Melrose, 9 December 1671; Mr. Robert Maine.

Which day decerns George Pringle in Westhouses and Marion Rodger his spouse to pay to Nicol Rinoldstone in Bowdone 3 l. of borrowed money; defenders absent, held as confessed.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Nicol Reneldsone in Bowdone 5 l. 9 s. for sheep bought from pursuer ; defender confessed.

*Eodem die* decerns William Fischer in Eister Longlie to pay to Charles, Earl of Haddington, 19 l. due to deceased George Freir, defender’s servitor, and arreisted in his hands at pursuer’s instance ; refused to depone what he was owing at time of arreistment.

*Eodem die* absolves Thomas Hoy in Coumisliehill from action by James Feirgreive in Hachburne for 10 bolls of oats and 3 small fulls bought from pursuer at 6 l. 6 s. 8 d. the boll ; referred to defender ‘ whither or not the defender agried with him soe,’ who deferred to pursuer, who refused to depone.

*Eodem die* absolves Adam Hislope in Longshaw from action by Andrew Cairncroce of Wester Longlie ‘ for taking away at his own hand ane milnstone from the bent milne pertaining to the persewer, pryce and worthe 100 merks Scotts’ ; referred to defender, who deponed ‘ he fesched the stone at his maister Ancrums directione’ ; absolves, reserving action to pursuer against Ancrum.

*Eodem die* decerns Andrew Cairncroce of Wester Longlie to pay to Adam Hislope in Longshaw 14 l. for meal and other things furnished by pursuer ; referred to defender’s oath, who deferred to pursuer, who deponed positively.

*Eodem die* absolves Bessie Eistone, widow of William Robisone in Lessudden, from action by Andrew Phaup in Melrose for 4 l. principal and 4 merks expenses and interest ; referred to defender as to intromission with defunct’s goods, who deponed negative.

*Eodem die* absolves Nicol Uscher in Brigend from action by George Hounam there for 4 l. for tilling ground to the defender ; referred to defender’s oath, who deponed negative.

*Eodem die* action by Isobel Lythgow, widow of Alexander

Fischer of Sorrowlesfeild, against John Scotte, weaver, portioner of Gattonside, who is owing to her 6 l. as balance of price of 'ane woobe' bought from pursuer, to be paid on 25 July last, also 6 l. for 6 firlots of bear received by the defender's son from the pursuer, also 6 copfull of oatmeal, price 33 s., also 34 ells of strakings at 8 s. the ell, *inde* 13 l. 12 s., which the defender has kept in his loom this half year bygone, to her great prejudice. Pursuer compearing by William Fischer her son, as procurator, defender compearing personally, the bailie absolves him, except 12 s. confessed by defender and a 'straiking woobe' which he is content to deliver up upon payment for his work; because defender denied, and the procurator referred to his oath, deponed he owed nothing of the cloth and bear except 12 s. and the said web.

*Eodem die* action by Grizel Scotte, widow and executrix of John Fischer of Wester Housbyre, against Isobel Lythgow, widow and executrix of Alexander Fischer of Sorrowlesfeild, who by her discharge dated 29 November 1656, as tutrix testamentrix to Helen, Isobel, Agnes and Margaret Fisher, her lawful daughters, and Michael Fischer, her eldest lawful son, granted her to be fully satisfied and paid by said deceased John Fisher, eldest lawful son of the deceased Michael Fisher, portioner of Darnick, of the just and equal third of the principal sum of 2000 merks and bygone annualrents contained in a bond by said deceased John Fisher to his said father in liferent and after his decease the just third of the said sum to said deceased Alexander Fisher, and obliged herself to cause her children ratify the said discharge on attaining the age of twenty-one years; but she refuses now to procure this ratification. Pursuer compearing, with George Wallace her procurator, and defender compearing, with James Edgar her procurator, the bailie decerns the defender to cause her said children ratify the discharge; because the case being called on 13 November 1669, the defender upon frivolous reasons obtained advocacy to the Lords of Council and Session, who remitted her back to this

court, and on 7 October 1671 James Edgar urged several reasons for nullity of process, and the pursuer's procurator made reply ; 20 merks of expenses. (Decreet *in extenso*.)

Melrose, 16 December 1671 ; Mr. Robert Maine.

Which day decerns John Leitheid, portioner of Melrose, to pay to Thomas Bichott, herd in Eildon, 3 l. 2 s. as balance of price of sheep bought from the pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns Walter Ker in Melrose and Margaret Broune his mother to pay to William Bell, portioner of Galtonside, 3 l. for a year's maill of a house in Melrose, Martinmas 1670 to Whitsunday 1671 [*sic*] ; defender absent, pursuer deponed.

*Eodem die* decerns William Bell, portioner of Galtonside, John Meine, portioner there, John Halywall, elder, there, and John Halywall, 'Fair,' there, burlamen in Galtonsyd, 'for themselfes and in nam of the remanent of the said toune,' to pay to William Boustone, herd in Galtonsyd, 6 l. 15 s. as balance of his fee as herd ; defenders all absent except John Haliewall, elder, who alleged the pursuer had certain hogs pertaining to Blindlie upon the ground and promised to tell the burlamen before they were taken away, which he referred to pursuer's oath, who deferred to said John Haliewall whether or not the pursuer sent him word, who refused to depone.

Melrose, 23 December 1671 ; Mr. Robert Maine.

Which day absolves Thomas Bichet, herd in Eildon, from action by John Leithheid in Melrose for 4 merks for a sheep bought by the pursuer from him and undelivered, and 12 s. due by the defender to the pursuer's son James, and 14 s. due to the pursuer for sundry things furnished by him, and 8 s. due to the pursuer 'for ane ledge of mutone' ; referred to defender's oath, who deponed negatively.

*Eodem die* decerns James Fischer of Cleakmae to pay to George Fleabairne in Ersiltone 20 s. for a full of oats due by defender to James Sheill of Hauchheid and given be Sheill to the pursuer; defender alleged the pursuer took the full of oats in compensation, referred to his oath, who deponed negative.

*Eodem die* decerns William Fischer, portioner of Eister Longlie, to pay to Alexander Trotter of Easter Housbyre 12 l., or 2 bolls of oats with the fodder, for his part of the loss sustained by the pursuer in the defender's not sowing his part of the half of the lands of Housbyr taken by him and Charles Watstone from the pursuer that year, 1671; defender denied, pursuer proved by Andrew Mar and Robert Fcwer [?], witnesses.

Melrose, 6 January 1672; Mr. Robert Maine.

Which day decerns Thomas Mersser in Drygrange to pay to William Mertone, tailor in Galtonsyd, 4 l. 16 s. 'for ane hirds fie of William Mertone the persewers sone and for 6 dayes tailyor work wrought be the persewer to the defender'; referred to defender's oath, who refused to depone.

*Eodem die* decerns James Ker of Deinbreas to pay to Andrew Plumber of Middlesteid; chamberlain to the Earl of Roxbroughe, 20 merks due to pursuer by John Gibsone, sometime servant to John Ker of Shaw, for a horse bought by Gibson from the pursuer, in 1665, for which debt the defender became cautioner, by missive letter 30 December 1665 produced; 'becaus the defender was content to be soumond at his brother Johns house at Melrois and was content that sentance sould be pronounced against him.'

*Eodem die* decerns David Uns, portioner of Lessudden, to pay to Andrew Phaupe in Melrose 5 l. 8 s. for half a boll of bear and 2 fulls and half a peck of pease promised by him to the pursuer; defender absent.

*Eodem die* decerns John Mersser in Bridgend to pay to

Robert Smythe, herd in Lairdsland, 44 s. ‘ for the killing of ane blak bich to the persewer ’; defender denied, pursuer proved by Andrew Chisholme and Andrew Reneldsone, who declared that both parties submitted to them and they modified as above.

*Eodem die* absolves William Swanstone in Cleakmae from action by George Fleabairne in Ersiltone ‘ for ane hog pryce 40 s. aledged killed be the defender to the persewer ’; defender denied, referred to his oath, who deponed negatively.

Melrose, 13 January 1672; Andrew Mar, portioner of Galtonsyd, bailie-depute *pro tem*.

Which day decerns William Mertone, tailor in Galtonsyde, to pay to Agnes Mertone, widow in Old Melrose, 56 s. as balance of price of fruit bought from pursuer in August last; defender denied, referred to his oath, who deferred to pursuer, who deponed positively.

*Eodem die* decerns David Kaidye in Craiksfoord to pay to James Pringle, portioner of Ersiltone, 6 l. as balance of price of malt bought from pursuer; defender absent.

*Eodem die* decerns William Davidstone in Lessudden to deliver to Margaret Hunter in Lessudden ‘ ane blankit taken away be the said defender of ane dyk pertaining to the persewer ’; defender denied, pursuer adduced Mungo Purves and Janet Coat, ‘ who deponed they saw the same blankit about the hird who was keiping that day for the defender,’ and pursuer also deponed it was hers.

Melrose, 20 January 1672; Andrew Mar.

Which day decerns Thomas Bichett in Eildone to pay to John Fischer in Darnick 4 l. 11 s. for meal bought from pursuer; defender absent, pursuer deponed.

*Eodem die* decerns James Bower, hind in Newmayns of Danzietone, to pay to William Andersone, merchant in

Melrose, 5 l. 11 s. 4 d. as balance of price of lint bought from pursuer ; defender denied, referred to his oath, who deferred to pursuer, who deponed positively.

*Eodem die* decerns William Andersone, merchant in Melrose, to pay to James Bower in Newmayns of Danzielton 40 s. for 30 loads of muck intromitted with by defender pertaining to pursuer ; denied, referred to defender's oath, who deferred to pursuer, who deponed positively.

Melrose, 27 January 1672 ; Mr. Robert Maine.

Which day decerns John Purves in Drygrange to deliver to James Louse in Magilpoets ' ane stoned black staige ane yeire old cute meynd cut tailed with tua neive longe of haire in the taill under the rumple with sum gray hairs and the taill mor grayer nor the rest ' now in his custody pertaining to the pursuer ' and bought be the said persewer at St. Boswell's day last and wandered away within a short tyme thereafter ' ; and fines defender 20 l. for his wrongous ' hamholding ' and intromitting with the same, and ordains him to remain in prison till he pay ; because the defender denying, pursuer proved same by several witnesses ; 48 s. expenses of plea.

*Eodem die* decerns Andrew Mein in Newsteid and James Wauch in Melrose to make forthcoming to Charles, Earl of Haddington, as follows, Mein 2 bolls 2 pecks of bear due by him to John Rodger, writer in Edinburgh, or to John Mein, portioner of Newsteid, for the said John Mein's lands in the Annay of Melrose possessed by said Andrew, crop 1671 ; and Wauche 5 l. due by him to said John Mein or John Rodger ; arreisted in their hands at the Earl's instance for satisfaction of 15 l. due to him for 2½ acres of land in the Annay, crop 1665 ; defenders confessing to the above sums as due by them.

*Eodem die* decerns Thomas Bichett, herd in Eildone, to pay to Robert Ormstone, servitor to James Eillies of Huntlywood, 10 l. 5 s. for sheep bought from pursuer ; defender absent, pursuer deponed.

*Eodem die* absolves James Hunter in Eildone from action by Robert Riddell, weaver in Newsteid, for a hog lost by defender, worth 50 s.; 'because the defender confeste he sett the persewer 5 sheips grase to the persewer and that he delywered them to the hird but did not promise to mak furth cummand,' therfore absolves.

*Eodem die* decerns Malie Richiesone in Lessudden to pay to John Coat, officer, portioner there, 9 l. 12 s. for certain bear and pease bought from pursuer; defender absent.

Melrose, 3 February 1672; Mr. Robert Maine.

Which day decerns Margaret Broun, widow in Newsteid, and James Mersser her son there to pay to Alexander Mein, mason in Newsteid, 6 l. for six firlots of ferme bear 'adebted be her to me' at 4 l. the boll, crop and year 1665, deducting to said James Merser the public burdens disbursed by him for said year; defender denied, proved by production of contract of marriage between deceased Robert Mein, pursuer's father, and said Margaret Broune.

*Eodem die* decerns Michael Gibsone in Melrose to pay to Thomas Harvie in Maxpople 6 l. 5 s. for sheep bought from pursuer; defender denied, referred to his oath, who deferred to pursuer's oath, who deponed positively.

*Eodem die* decerns Helen Hair, widow of Alexander Newton, piper in Melrose, to pay to Margaret Leithheid, wife of John Lithheid in Melrose, 3 l. for ale and bread bought from pursuer; defender denied, pursuer adduced Patrick Lukupe and George Adamsone, who deponed positively.

*Eodem die* decerns Thomas Watessone in Blainslie and James Greive, son of John Greive there, to receive from John Murraye in Bounmylne 9 bolls of oats pertaining to Jean Greive in Boune and sold by the pursuer to the defenders, and to pay the pursuer 6 l. 2 s. 6 d. for each boll thereof, and also to receive from the pursuer 8 bolls



of oats sold by him to them, and pay 6 l. per boll therefor ; defenders denying, referred to their oaths, who deponed ' that quhen they came to sie the oats lybilled the first tyme they wer content to receive them if the wynde had served, and the nixt tyme they came to sie them and they refused them becaus they wer not sufficient,' and thereafter both parties submitted to Andrew Mar, portioner of Galtounsyde, Andrew Chisholme, portioner of Darnick, arbiters, and Mr. John Lythgow, portioner of Ridpeth, oversman, who decerned as above. 10 l. expenses of plea.

Melrose, 10 February 1672 ; Andrew Mar, *pro tem.*

Which day decerns John Wilsone in Longhauch to pay to Walter Scott in Colmeslie 3 l. 5 s. for wool bought from the pursuer ; defender absent, pursuer deponed.

*Eodem die* decerns William Lowden in Blainslie to pay to William Pringle there 3 l. 13 s. 4 d. for fees of half a year's service by pursuer's son to the defender ; defender absent, pursuer deponed.

*Eodem die* absolves George Dewar of Eister Longlie from action by George Pringle in Coumisliehill, executor to deceased Mr. James Pringle, his brother, for 5 l. for a boll of oats bought by Dewar from the defunct, and 2 merks which John Sandelands borrowed from defunct for which the defender became cautioner ; defender confessed the boll of oats ' but it was for his fie, and denied that he bought them ' ; referred to his oath, who deponed negative ' as to boath.'

*Eodem die* decerns John Holme in Longhauch to pay to Adam Lythgow, deacon, and John Bell, boxmaster of Melroseland, 10 merks ' for his entrie and upsetting his weiver looms in Melroisland ' ; defender absent, held as confessed.

*Eodem die* decerns John Thomsone in Galtonsyd, son and heir of deceased John Thomsone portioner there, to

receive from Robert Clerk there 5 pecks of bear for the maill and duty of a rig of land in Galtonsyd wadset by said deceased John Thomson to the pursuer, crops and years 1667, 1668, 1669, 1670 and 1671, at a peck yearly ; defender denied, 'and aledged [*sic*] that ther was 27 yeirs, to quhich the said defender offered to prove that ther was no mor aughtand but 5 yeirs,' and adduced Thomas Halliewall, John Haliewill 'Croce,' and Henry Milds, who declared there was no more owing but the said five years.

*Eodem die* 'decerns cognitionis causa contra hereditatem jacentem' in favour of Mr. Alexander Bissett, minister at Melrose, for himself and in name of the kirk-session of Melrose, against John Bower, eldest lawful son and heir of deceased William Bower, or charged to enter heir to him in 'that house and yaird adjacent therto in Melrois presentlie poseste be the said John Bowar woodset be the said umquhill William Boware to the said minister and kirk [*sic*] for the soume of ane hunderethe merks Scotts then borrowed and receaved be him from the said kirk sessione,' conform to his Bond to them, 25 June 1666 ; because John Bowar compeared and renounced to enter heir, producing a Renunciation subscribed by him, 2 February 1672.

Melrose, 17 February 1672 ; Mr. Robert Maine.

Decerns John Scott, weaver in Galtonsyd, to pay to Isobel Lythgow, goodwife of Sorowlesfeild, 3 l. 12 s. 'for the remaine of ane woobe' bought from pursuer ; both parties referred themselves 'to the decone and boxmaister,' who ordained to pay costs as above.

*Eodem die* the bailie ratifies and approves the act made by Gideon Jacksone, 13 October 1660, 'anent the marcat of Melrois upon Saturday weiklie,' and interpones his authority thereto, and ordains the same to be 'custome frie' for a year to come ; to be intimated this day at the market cross, and at the kirk on Sunday next.

Melrose, 24 February 1672 ; Mr. Robert Mainie.

Which day decerns John Broun in Newsteid to deliver up to John Vair in Eildone 'ane peice trie as the remaine of ane haille eshe trie' bought by pursuer from the defender for 3 l. ; 'becaus the defender aleidged the persewer left him the peice outt,' which pursuer denied, and referred to defender's oath, who refused to depone.

*Eodem die* decerns Walter Ker, merchant in Melrose, to pay to Richard Halywall, merchant burgess of Selkirk, 20 l. 10 s. as a part of the sum of 22 l. 12 s. contained in a ticket, 13 December 1670, by the defender to the pursuer ; defender confessed 'the samen and denyed the rest and referred the samen to the persewers oath the nixt courte.'

*Eodem die* absolves Alexander Dalgleishe in Old Melrose from action by William Mertone 'in Melrois Galtonsyd' for becoming cautioner to him for a servant of the defender 'for breaking of ane fruit yaird in Old Melrois bought be the persewer'; pursuer adduced Andrew Merse and Robert Fisher, who declared 'the yaird was all sheken befor the defenders mane brak it and that ther was but 2 plums in the trie when he was one it'; and fines the pursuer in 12 s. 'to be given to the poore.'

*Eodem die* James Darling, son of deceased Nicol Darling in Langhauche, elected and chose Andrew Darling, portioner of Appletrieleives, James Darling in Faldonsyd, and Peter Darling in Ersiltone, to be his curators during his minority, who accepted office and became cautioners mutually.

Melrose, 2 March 1672 ; Mr. Robert Mainie.

Which day decerns John Coat in Lessudden, Andrew Unss there, John Gibsone there, John Unss, wright, John Fairbair [*sic*], John Robisone, Nicol Bennett, John Patone there, John Glendining there, Walter Gibesone there, tenants to Walter Scott of Raeburne, to pay to Mr. John Sumerwell, minister of St. Boswells, 2 merks

each of them for each husband land pertaining to said Walter Scott, conform to the stent roll dated 17 April 1670.

*Eodem die* decerns John Thurburand in Lessudden to pay to Mark Pursall there 4 l. of fee for services by pursuer to defender in harvest 1671; defender denied, referred to his oath, but deferred to pursuer, who deponed positively.

*Eodem die* decerns John Unss *alias* Great in Lessudden, tenant to John Gray, portioner there, to pay to Mr. John Sumervell 18 l. for his stipend due by said John Gray to him for his lands there, crops and years 1668, 1669 and 1670, possessed by said John Unss; defenders absent; 40 s. expenses.

Melrose, 16 March 1672; Mr. Robert Maine.

Which day decerns Andrew Darling, portioner of Aplettrieleaves, Mr. Andrew Darling, portioner there, Mr. William Dugood, portioner there, and his tenants, to pay to Mr. Thomas Byris, schoolmaster in Melrose, 7 l. 2 s. as their proportion of his stipend from their lands of Aplettrieleaves and Longhauch; defenders absent.

*Eodem die* decerns John King in Lessudden and Andrew Uns there to pay to George Pringle in St. Bosswalls, as follows, King 4 l. for rent of a house set to him, 1672, and Unss 1 l. 10 s. 'as the part of ane hous maill sett' by pursuer to him, 1672; defenders confessed.

Melrose, 23 March 1672; Mr. Robert Maine.

Which day decerns David Uns in Lessudden to pay to Cornelius Nisbett in Drybrugh 1 l. 10 s. due by him to Thomas Gastoune in Lessudden 'and promited me payment of the samyne; becaus John Coat, officer, asserted the samyne was true.'

*Eodem die* decerns Thomas Uns, portioner in Lessudden, and Margaret Adamesone his spouse to pay to Mungo

Paton, portioner there, 21 l. 14 s. 8 d. for malt bought from pursuer ; defenders absent.

Melrose, 30 March 1672 ; Andrew Mar, *pro tem*.

Which day decerns Patrick Lukupe, wright in Melrose, to pay to Andrew Merser in Darnick 3 l. 12 s. for meal bought from pursuer ; defender confessed.

*Eodem die* decerns Philip Fair in Longshaw and David Kaidye in Craiksfuird to pay to the pursuer [not named] as follows, Fair 4 l. 12 s. for meal, and Kaidye 45 s. for oats, bought from pursuer ; defenders absent.

Melrose, 6 April 1672 ; Andrew Mar.

Which day decerns John Sounhouse in Blainslie to pay to Francis Scott of Langshaw 40 l. 11 s. of teind duty for his lands in Blainslie, payable at Candlemas last, crop 1671 ; defender absent.

Melrose, 13 April 1672 ; Andrew Mar.

Which day decerns John King in Lessudden to pay to Robert Ker of Fotherlie 3 l. 18 s. 4 d. ' for the exchyng of ane horse ' ; defender absent.

Melrose, 20 April 1672 ; Andrew Mar.

Which day absolves James Riddell in Lilsie from action by Patrick Lukupe, wright in Melrose, for 48 s. for 4 days' work alleged wrought by pursuer to defender about seven years ago, and 18 s. 4 d. ' for a cairt full of grains,' and 3 s. 4 d. ' for ane burding of grains ' ; defender denied all but 6 s., referred to his oath, who deponed negative to all except the 6 s. which he paid at the bar.

*Eodem die* decerns George Clapertone in Laudupmoore to pay to James Sheill of Haucheid 9 l. for malt bought from pursuer ; defender absent.

*Eodem die* decerns George Dewar in Longlie to pay to Andrew Hounam in Yaire 4*l.* for bear bought from pursuer ; defender absent.

Melrose, 27 April 1672 ; Mr. Robert Maine.

Which day decerns Isobel Lythgow, goodwife of Sorowlesfeild, to pay to James Ker in Ridpeth 5*l.* 4*s.* ' for the remaine of ane fie and 10 sheips smeiring wrought be the persewer to the defender ' ; defender absent.

*Eodem die* compeared Abigail Brayden, lawful daughter of deceased Andrew Bryden, portioner of Lessudden, and wife of David Uns in Lessudden, and judicially ratified a Disposition granted by said David Uns with consent of her and Isobel Bryden her sister in favour of Walter Scot of Raeburne, 17 January 1672, making over irredeemably to him ' that ther halfe ane husband land in Lessuden with ther eister heid rume or unsteade and yeards therof, tofts, crofts, parts, pendicles and hail pertinents of the samyne quhatsumever, togidder with ther seven butts of land ther called the Serjand butts pertaining and belonging therto with the pertinents,' sometime belonging to deceased Andrew Bryden, lying in the town and territory of Lessudden. William Lythgow, procurator for Walter Scott, took instruments hereupon, in the writing chamber of the notary [not named] in Melrose, between 6 and 7 P.M. ; witnesses, Alexander Trotter of Eister Housbyre, Andrew Mar, portioner of Galtonside, Walter Tait, servitor to John Pringle of Williamlaw, and James Bowar in Newmains of Danzeltoune.

Melrose, 4 May 1672 ; Mr. Robert Maine.

Which day ' the baillie fyns the hirds for burning of hether in forbiden tyme, conform to the actt of Parliament, and ordeines precepts to be directt therupon in form as effeirs.'

Melrose, 11 May 1672 ; Mr. Robert Maine.

Which day decerns Robert Pringle of Blindlie to pay to John Hoy in Galtonside 7 l. for a half year's fee 'and ane cariadge to Edinburgh,' due by defender to pursuer ; defender denying, referred to his oath, who deferred to pursuer, who deponed positively.

Melrose, 18 May 1672 ; Mr. Robert Maine.

Which day decerns all and sundry the feuars, farmers, tenants, tacksmen and possessors of Melroisland to pay to Charles, Earl of Haddington, their Whitsunday mail and duties, 1672, and arrears.

*Eodem die* absolves Andrew Phaupe in Melrose from action by Thomas Boustone, 'punder' in Galtonsyd, for 6 l. 'for which the said defender poyned [*sic*] the persewer without any warrand for [*sic*] the justice of peice' ; defender denying, referred to his oath, who deponed negative 'that ever he poyned the persewer.'

Melrose, 25 May 1672 ; Andrew Mar, *pro tem*.

Which day decerns George Bartone in Galtonside to pay to William Boustone, weaver in Galtonside, 8 l. 14 s. 8 d. for seven half fulls of bear and 'ane yew hoge' left in legacy to pursuer by deceased George Bartone, the defender's father ; defender confessed.

*Eodem die* decerns George Clapertone in Laidupmore to pay to John Watson in Longlie 9 l. 10 s. 4 d. for rent of a house ; defender's wife confessed.

Melrose, 1 June 1672 ; Andrew Mar.

Which day decerns John Bunzie in Newsteid to pay to Mr. William Mein there 15 l. 1 s. 6 d. for malt bought from pursuer ; defender absent.

*Eodem die* absolves Walter Gibsone in Lessudden from action by George Pringle in St. Boswells for a hog of the pursuer's worth 3 l. alleged taken away by defender; denied, referred to his oath, deponed negative.

Melrose, 8 June 1672; Andrew Mar.

Which day decerns Alexander Lythgow of Drygrange to pay to Sir Thomas Ker of Fernlie 47 l. due to Andrew Lythgow his brother and arreisted at pursuer's instance; defender confessed.

*Eodem die* decerns Alexander Thomsone in Coumislie to pay to John Wilsone in Galashiels 5 l. as balance of a greater sum due to pursuer; defender absent, pursuer deponed.

*Eodem die* decerns George Turner, tenant in Calfhill, to deliver to Thomas Wilkiesone, clerk of Melrose, 540 merks, 1 s. 6 d. due by him to Walter Cairncroce of Allanshawes and arreisted for satisfaction of a Bond, 14 December 1670 by Cairncroce to the pursuer; defender confessed he owed Cairncroce 'more nor the said soum.'

*Eodem die* decerns John Braiden in Lessudden, John King there, Janet Uns there, and Bessie Ker there, to flit and remove from 'the houses and yeards in Lessudden perteing to ane quarter of land ther quhich perteines heretabillie to Mr. James Adamson, minister of Pitnen,' before Tuesday next, so that Adamson and others in his name may enter and possess the same; 'because the saids defenders at the least the most part of them compeired and confest the possessione of the samyne.'

*Eodem die* Retour [*in Latin*] of the general service of Margaret Hunter, lawful daughter of deceased William Hunter of Braidwoodsheillis, to her grandfather Mr. William Hunter of Williamlaw. Names of assise, John Stirling, portioner of Blainslie, John Darling, portioner there, James Sounhous there, James Rolmanous, younger, there, John Thine, portioner there, Edward Darling,



portioner there, Thomas Boustoun *alias* Winde, portioner of Galtonside, John Meine, portioner of Newsteid, James Fischer of Clackmae, Andrew Chisholme, portioner of Darnick, James Edgar, portioner of Melrose, George Wallace, notary public there, James Ker, younger, there, William Fischer, elder, portioner of Eister Longlie, and Andrew Heiton, portioner of Darnick. Thomas Wilkieson, clerk of regality, writes the deed.

Melrose, 15 June 1672 ; Andrew Mar, *pro tem*.

Which day decerns Alexander Dalgleishe in Quarrell-hill, James Patersone, portioner of Danzeltoun, William Gill, portioner there, Thomas Drumon, portioner there, William Lukepe, portioner there, George Eillies, portioner there, John Mertoun there, and John Stennes there, ' to keip good neighbourheid with James Bowar in Newmains of Danzeltoun from eateing and destroying of his cornes and gresse in all tyme cuming under the pain of five merks Scotts for ilk transgression ' ; because William Gill and Thomas Drumond, two of the defenders, compeared and said nothing against the same.

*Eodem die* decerns William Notman in Threipwood to pay to Thomas Gill, miller in Newhall mill, 7 l. for humble-corn bought from pursuer about eight years ago ; defender absent, pursuer deponed.

Melrose, 22 June 1672 ; Andrew Mar, *pro tem*.

Which day decerns Lancie Broune, indweller in Lessud-den, John Uns *alias* Great there, John Uns there, Helen Richisone there, and Andrew Riddell there, to pay to Thomas Huntar, merchant in Melrose, the following sums, viz. Brown 8 l. 6 s. for balance of price of sheep skins ' and exchange of ane meir ' ; John Uns *alias* Great, 4 l. for ' ane oxen hyre ' ; Richisone and Riddell 4 l. each for the hire of oxen lent them by pursuer ; and John Uns, wright, 4 l. for a half boll of bear ; defenders absent, pursuer deponed.

*Eodem die* decerns Janet Brotherstanes, widow of John Kyle, portioner of Lessudden, now spouse to James Archbald there, to pay to George Bulman in Longnewton, portioner of Lessudden, 40 l. 7 s. 2 d. for parsonage teinds of half a husband land in Lessudden with pertinents, sometime pertaining to said deceased John Kyle and now to the pursuer, for crop and year 1671 and precedings, possessed by the defenders, and to pay the same yearly hereafter during their possession; because pursuer produced a discharge from Alexander Patersone, factor and chamberlain to David, Lord Cardrus, titular of the teinds, to the pursuer as heritable proprietor of the said lands, bearing that pursuer had paid the said parsonage teinds for the defenders, dated 15 May 1669.

Melrose, 29 June 1672; Andrew Mar.

Which day decerns Thomas Lukupe in Melrose to pay to Robert Mein in Eildoun 1 l. 10 s. for two trees of the pursuer's taken away by the defender 'out of his houses in Galtonsyde'; pursuer referred the worth of them to defender's oath, who deponed 'the samyne was no better worth nor 30 s.'

*Eodem die* decerns John Feirgreive in Melrose to pay to Andrew Penman there 4 l. 14 s. 10 d. 'for the house maill and uther things adebted be the defender to the persewer'; defender confessed.

*Eodem die* decerns William Fischer in Newsteid to pay to James Mersser there 3 l. 16 s. 8 d. for six half fulls of bear 'eatened and distroyed be the defenders horse to the persewer'; defender denied that his horse ate it, and pursuer referred to his oath, who deferred to pursuer, who deponed positive.

*Eodem die* decerns John Stenhouse in Melrose to pay to Margaret Gibsone, wife of James Greive, portioner of Blainslie, 40 s. 'for the exchyng of ane sek perteing to the persewer'; defender absent.

Melrose, 6 July 1672 ; Mr. Robert Maine.

Which day absolves William Denham, portioner of Ridpeth, from action by William Andersone, merchant in Melrose, as assignee of John Davidstone, indweller in Leith, for 19 l. 11 s. due by defender to Davidson for brandy bought from him ; defender denied, pursuer 'opponed the assignatione, quhich did not constitut the debte upon the defender.'

*Eodem die* decerns Robert Mabone in Danzieltone to pay to James Mein in Coldonknowes byres 3 l. contained in decreet, 25 February 1665, at pursuer's instance against him ; defender alleged payment made, referred to pursuer's oath, who deponed he never received payment.

*Eodem die* decerns James Wauche in Melrose to pay to Mr. Alexander Bisset, minister at Melrose, 5 l. 16 s. borrowed from pursuer in April 1671 ; defender absent.

*Eodem die* decerns Marion Hall in Blainslie and George Turner in Calfhill, tutor to her children, to pay to Andrew Mar, portioner of Galtounsyde, 8 l. 'for ane pare of heid sheets' borrowed by said Marion from deceased Katherine Hall, wife of said Andrew Mar, about eight years ago ; defenders absent ; 20 s. expenses of plea.

Melrose, 13 July 1672 ; Mr. Robert Maine.

Which day decerns Thomas Wilkiesone, clerk of Melrose, to deliver up to George Pringle in St. Boswalls several writs and evidents consigned by pursuer in his hands concerning 'the land of St. Boswalls,' conform to inventory, the said clerk being always satisfied and paid for his pains in writing papers concerning the said lands ; defender confessed having the same.

*Eodem die* decerns Isobel Lythgow, goodwife of Sorrelesfeild, to pay to Alison Watherstane in Birkinsyde 16 l. 6 s. 'for thrie halfe yeirs fie' wrought by her to the defender ; denied, referred to defender's oath, who deferred to pursuer, who deponed positive.

*Eodem die* decerns Andrew Fischer of Wester Housbyre to pay to James Murray in Housbyre 17 l. 10 s. 8 d. as balance of fees for a year's service by pursuer to defender ; defender confessed he feed the pursuer to serve him till Martinmas next, ' but refoused to have anie more of his service.'

Melrose, 15 July 1672 ; Mr. Robert Main.

Retour [*in Latin*] of the special service of Walter Cairncroce of Allanshaw as heir to deceased Nicol Cairncroce, his immediate younger brother, in an annualrent of 60 l. corresponding to the principal sum of 1500 merks and upliftable from the room and steading of Ladopmoore, with houses and pertinents, occupied by William Tait and pertaining heritably to William Cairncroce of Hilslope ; which annualrent is held of the Laird of Hilslope for payment of 1 d. yearly if asked, and has lain in his hands by reason of non-entry for 11 months, since Nicol's death in August 1671. Names of assise, John Milne, portioner of Newtoun, Robert Mein, portioner of Eildoun, John Sclaiter there, Andrew Mein, mason, portioner of Newsteid, John Mein, miller there, James Edgar, portioner of Melrose, Andrew Chisholme, portioner of Darnick, Andrew Reneldsone, portioner there, Andrew Darling, elder, portioner of Apletrieleaves, William Cairncroce in Longlie, Andrew Mar, portioner of Galtounside, John Stirling, portioner of Blainslie, Thomas Bouston, ' Wind,' portioner of Galtonside, James Rolmanous, portioner of Blainslie, and George Turner in Calffhill.

Melrose, 20 July 1672 ; Mr. Robert Main.

Which day decerns Andrew Fisher of Wester Housbyre to pay to Alexander Trotter of Eister Housbyre 8 l. for four stacks of peats bought from pursuer, and decerns Trotter to pay to Fisher 13 l. 5 s. for 11 sheep bought by him from Fisher, deducting the above 8 l. ; both parties confessed.

*Eodem die* decerns John Bell in Melrose, James Wauch, Thomas Lukepe, for themselves and in name of the remanent dwellers in the 'Abay of Melrois,' to pay to Charles, Earl of Haddington, 6 s. 8 d. each of them for each time 'that they lay ther lining woobs on the said persewer his gairden dyk and pulls down the stons therof.'

*Eodem die* decerns Robert Pringle of Blindlie to pay to the Earl of Haddington 24 l. 15 s. for the four last terms' taxation voted to the King in August 1665; defender absent.

*Eodem die* decerns Jean Bell in Applettrieleives to pay to George Turner in Calfhill 3 l. 17 s. for 13 threaves of bear straw bought from pursuer; defender confessed.

Melrose, 22 July 1672; Mr. Robert Maine.

Which day Retour [*in Latin*] of the service of John Wright, son of deceased William Wright, portioner of Galtonsyd, as heir to deceased Thomas Wright in Blainslie, his father's brother. Names of assise, William Wright, smith in Galtonsyd, John Haliewall *alias* Croce, weaver there, Thomas Halywall, weaver there, Robert Mein, mason there, Thomas Boustone *alias* Wynd, Robert Freir, John Mabone, and George Hoy there, John Mein, miller in Newsteid, Andrew Mein, mason there, John Milne, portioner of Newtoun, Andrew Chisholme, portioner of Darnick, Andrew Reneldsone, portioner there, George Wallace, notary public in Melrose, and James Ker, younger, there.

Melrose, 27 July 1672; Mr. Robert Maine.

Which day decerns John Trotter in Housbyr and Isobel Lythgow his spouse to flit and remove from 'ane byre in Housbyr' which they wrongously intruded themselves in, pertaining to Alexander Trotter there, and to repossess him therein; defenders absent, pursuer's sasine of lands of Housbyr produced.

*Eodem die* decerns James Bowar in Longhauch to pay

to Robert Mein in Eildon 7 l. 14 s. of fee and bounty 'promised be the defender to haive served the persewer from Witsonday last to Mertimes nixt, and the said defender refoused to serve the persewer'; defender absent.

*Eodem die* decerns William Notman in Threipwood to pay to James Smythe there 5 l. 11 s. 2 d. for 4 lambs at 12 s. apiece, sold by the defender pertaining to the pursuer, and of borrowed money; defender confessed.

*Eodem die* action by Walter Scott of Raeburne against Thomas Unse, portioner of Lessudden, narrating that the pursuer by his sasine produced, dated 15 October 1670, is infest in an annualrent of 40 l. corresponding to the principal sum of 1000 merks and upliftable from the defender's 1½ husband lands in Lessudden, which annualrent is resting unpaid for Candlemas last and Lammas next, 1672. Pursuer compearing by William Lythgow his procurator, and defender absent, decerns the defender's readiest goods to be poinded for the said terms and succeeding terms so long as he fails to make payment.

Melrose, 3 August 1672; Mr. Robert Mainie.

Which day decerns Andrew Fisher of Wester Housbyre to pay to Alexander Trotter of Eister Housbyre 40 s. 'for takeing of tua horse perteaneing to the persewer at his aun hand without his licence and working them in the harrows and cairt tua dayes,' and fines him 5 l. for taking them without license; pursuer adduced Thomas Atchiesone and James Boui as witnesses, who proved the same.

*Eodem die* absolves George Sheill, weaver in Melrose, from action by Bessie Douglas and Andrew Phaupe her husband against him for 20 l. 'for the alledged cureing of his sone Jon Sheills broken lege 5 or 6 years since or therby'; defender alleged he had already paid her for the same 'by workeing of ane wob to her,' and referred to her oath, who deferred to defender's oath, who deponed 'that he had satisfied her for her forsaid paines by workeing of the forsaid wob.'

*Eodem die* decerns Andrew Darling, portioner of Aplettrieleaves, to pay to William Wilsone in Galashiels 30 l. 6 s. for three bolls of bear remaining of the number of 18 bolls of bear and 7 small fulls bought by pursuer from defender at Martinmas 1669, to be delivered at Candlemas thereafter conform to his ticket, 12 November 1669 ; defender absent, ticket produced ; 3 l. expenses.

*Eodem die* decerns John Frater in Aplettrieleaves to pay to James Scot, servitor to Andrew Darleing, portioner there, 30 s. for 3 half fulls of bear sowing, which the pursuer should have sown in crop and year 1672 ; referred to defender, who deferred to pursuer's oath, who deponed ' positive that the defender promised him ground to lay his muck one and that the defender saw the last year thrie fulls of beare and gott a boll of increase againe.'

*Eodem die* George Mertone, portioner of Melrose, produced William Wilsone in Galashiels to Andrew Darling, portioner of Aplettrieleaves, and he being absent the bailie liberates George Mertone of his cautionry.

*Eodem die* absolves James Smyth, herd in Threipwood, from action by William Notman there for 5 l. as the price and worth of two ewe hogs lost by defender to pursuer, one in 1669 and the other in 1671 ; also 30 s. for a cow's grass ' kept be the persewer to the defender,' 1671 ; also 1 l. 10 s. ' for certane peat yeard bought and receaved be said defender from the said persewer ' ; also 20 s. ' for ane rig of oats soweing as it was conditioned ' ; 40 s. for 3 lambs' grass provided by pursuer ; 6 s. for a day's ' smeireing ' ; defender denied all but 30 s., referred to his oath, who deponed negative to all but 30 s.

*Eodem die* absolves James Vair in Newtoun from action by Janet Ker there, narrating that John Milne, officer, arreisted at her instance in defender's hands 4 l. due by defender to Thomas Vaire in Elistoune who was debtor to pursuer for an ox hire ' keiped be the persewer to the said Thomas Vair ' in Newton, crop and year 1671 ; defender denied ' that he promised to give him the oxe bake in als

good conditione as hee receaved him ; ' pursuer alleged the defender promised her ' a grasse soum ' ; referred to defender's oath, who deponed ' he promised her a soumes grasse, and that he keiped tua soumes grasse voyd in Elis-toune for it.'

*Eodem die* decerns Robert Mertone in Westhouses to deliver to John Merseer *alias* Lochbreast, portioner of Bridgend, ' ane lynning wob perteaneing to him quhich the water took away,' worth 20 l. ; defender absent, Andrew Mar, officer, produced the web, and Adam Lythgow, John Bell, George Sheill and Thomas Law, weavers in Melrose, declared ' they having compaired the wob produced with ane uther peace of it finds them agrie both in reid and graithes and that it did perteane to the persewer ' ; and fines the defender 5 l. because he finding it did not proclaim the same at kirk and market.

*Eodem die* action by Walter Scott of Gladswood against William Bell, portioner of Ridpeth, narrating that the pursuer and his authors ' is and hes bein in possessione and in use and wont to passe and repasse in the highwayes goeing throughe the ground and lands of Ridpeth to Huntliewood mosse and Fanes, by carieing of peits from the saids moss thes many years bypast past memorie of man without any interruption,' but lately the defender ' came to the said persewer his horse and men comeing home with peits in the said hieway ' and without provocation cast the loads off the horses. Both parties compearing, defender denied that the said way was a highway, and it was never before used by the pursuer or any other person without interruption ; and pursuer adduced several witnesses, who upon the ground of the said controverted highway declared ' positive that the samyne way was ane hie way used and wont up above the wall ' and had been used by persons carrying peats for many years without interruption ; and an assise of 15 honest men, by the mouth of James Pringle in Colmslie, their chancellor, found that the same is and has been a highway without interruption. The bailie therefore decerns the defender to suffer the pursuer



to use the same and not to molest and trouble him hereafter ; 8 l. expenses of plea.

Melrose, 17 August 1672 ; Andrew Mar, *pro tem.*

Which day decerns and declares the liferent escheat of John Trotter of Eister Housbyre of the lands of Easter Housbyre with houses, moss, teinds and all pertinents, and kains, customs, rents and duties thereof, to have fallen into the hands of Charles, Earl of Haddington, as superior and to pertain and belong to Alexander Trotter, second son of Robert Trotter, portioner of Newsteid, as donator appointed by said Earl, by reason of his denunciation to the horn, 9 April 1667, upon letters of horning at instance of John Bell, weaver in Melrose, against him for nonpayment of 90 l. Scots of principal and 10 l. expenses, and the interest, contained in Bond, 6 February 1666, by the defender to said John Bell, registered in books of Council and Session, 27 March 1667, and conform to the Earl's gift of escheat and liferent to the pursuer, 17 May 1672. Defender absent, gift of escheat produced.

*Eodem die* decerns John Trotter in Eister Housbyre and Isobel Lythgow his spouse to flit and remove from 'ane byre in Eister housbyr' pertaining to Alexander Trotter of Eister Housbyre, wherein they wrongfully intruded themselves, and were charged by Andrew Kennedie, officer, upon decreet, 27 July last, at pursuer's instance. Defenders absent.

*Eodem die* decerns Mark Blaikie in Melrose to pay to Katherine Ormstone, widow of Thomas Eillies in Danzeltoune, 15 s. due by defender to her said husband ; defender absent.

Melrose, 24 August 1672 ; Mr. Robert Maine.

Which day decerns Robert Cochran in Lessudden and John Patone there to pay to Mr. John Summerwall, minister at St. Boswalls, 20 l. 11 s. due by the defenders to John

Gray in Ancrom and arreisted at pursuer's instance, who compeared by William Lythgow his procurator; defenders absent; 40 s. expenses.

*Eodem die* decerns Lancelot Broun, sometime in Lessudden, 'and then in Kelsoe,' to pay to same 19 l. 11 s. arreisted in his hands as due to Mr. James Adamsone, portioner of Lessudden, who is addebted to the pursuer for the parsonage teinds of his lands in Lessudden possessed by said Lancelot Broun, crop and year 1671 and preceeding; pursuer compeared as above, defender absent; 40 s. expenses.

*Eodem die* decerns Thomas Uns, portioner of Lessudden, to pay to James Bryden there 3 half fulls of oats sowing and 1 half full of bear sowing, sown in crop and year 1672; 6 s. for a pair of shoes; 8 s. for 'ane grass soum'; 'and that as for ane quarter of ane years service wrought be the persewer to the defender from Mertimes 1671 years to Candlemes nixt thereafter 1672.' Defender confessed.

*Eodem die* decerns Thomas Merseer in Fairnilie, and sometime in Drygrainge, to pay to James Edgar, procurator fiscal, 100 l. 'for ane amerciament and fyne [*sic*] committed be the said defender upone John Leitheid in Melrois'; pursuer adduced Andrew Merseer, maltman in Darnick, and William Rennick, herd there, and their testimony was considered by 15 honest persons of inquest, who by the mouth of George Wallace their spokesman found the defender guilty of the blood and bloodwite.

*Eodem die* complaint by James Mertone, tailor in Melrose, against John Rathie there and Isobel Blaikie his spouse, narrating that the pursuer stands infest in a half tenement of land in Melrose with yard adjacent, 'mercheande with the saids defenders,' conform to his sasine, 25 January 1672, produced; yet the defenders do molest and trouble him in possession 'and will not cleare and red merches betuixt him,' and so he craves a visitation. Pursuer compearing, with James Edgar his procurator, and John Rathie being absent, the bailie ordains Adam Lythgow,

William Wallace, Andrew Penman, Thomas Law and Mark Blaikie, indwellers in Melrose, to visit the tenement and report in writing; who find 'that John Rathie hes gone over neir the tua westmest marche stones, and the rest is in orдор, and as for the gait we find that James Mertone and his prediccissors hes had the use of the foolze gathering therof since his prediccissors possessione to the marche stones, and for the litle house we find that James Mertone hes the hedge in compensatione therof, and for the gavell we cannot decerne therin quhilk of them it belongs to but for ane marche betuixt the tua houses, and we find ane watergait or ane old chanell comes from Androw Cooks house and hes had the entrie throw under James Mertoun his hous formerlie in all tyme bygone.' The bailie interpones his authority, and declares the said gable to be mutual in all time coming, and both parties to use it without prejudice to one another, 'and ordeanes the channell to rune quher it ran befor without deverting of it any uther waye or stopping of it, and that they gather ther foolze within ther respective merch stones, and ordeanes bothe the saids parties to putt ane halfe foot ground to the merche stones, and the way to be to both parties betuixt the marche stones, and for John Rathies litle hous finds that James Mertoun hes the hedge one the southe syde of the yeard in compensatione of the samen litill house, and therfor no more divisione but bothe parties to bruik heir-after as they now possesse, and ordeanes this to be ane act of nighbourheid betuixt the saids parties in all tyme comeing.'

Melrose, 28 September 1672; Mr. Robert Main.

Which day decerns Thomas Uns in Lessudden to pay to Mr. John Summerwell, minister at St. Boswells, 12 l. for the defender's teind bear for his lands in Lessudden, crop and year 1671; pursuer compearing by William Lythgow his procurator, defender absent; 24 s. expenses.

*Eodem die* decerns Robert Cochrane in Lessudden, as cautioner for Lancelot Broun in Kelso, to pay to Thomas

Huntar, merchant in Melrose, 8 l. 6 s. of principal and 20 s. expenses contained in decreet against Lancelot Broun; defender absent; 20 s. expenses.

*Eodem die* action by James Ormstone in Galtonside against John Thin, portioner of Blainslie, who on 1st August last 'without any offence given be the said persewer to him putt the said persewer from his service, being his hyred servand from Witsonday last to have served him to Mer-times nixt,' to his great prejudice, it being 'in the midst of a tearme'; and so he ought to pay 16 l. 7 s. 4d. of fee and bounty promised him. Pursuer compearing, with George Wallace his procurator, and defender compearing, with James Edgar his procurator, the pursuer referred to defender's oath, who deponed he never put the pursuer away 'nor refoused his service'; absolves.

*Eodem die* decerns John Thin, portioner of Blainslie, to pay to James Ormstone in Galtounsyde 11 l. and six quarters of gray at 30 s. and an ell of white at 10 s., for half a year's service, Martinmas 1671 to Whitsunday 1672; defender confessed; 30 s. expenses.

Melrose (head court), 5 October 1672; Mr. Robert Maine.

Which day decerns John Frater in Longhauch to pay to Charles, Earl of Haddington, 40 merks 'for the said defender his compositione dew to the said persewer for the defenders land in Longhauche'; pursuer compeared by James Edgar, his procurator; defender absent.

*Eodem die* absolves Thomas Huntar, merchant in Melrose, from action by Harry Scott in Meikledaill against the defender who about a year ago 'did transgresse the act of Parliament by passeing over the Border betuixt Ingland and Scotland with severall goods unentered to the persewer and without ane passe,' the custom of which extended to 24 l. Scots; defender denied, referred to his oath, who deponed he promised the pursuer no payment 'but left the persewer the geese, and promised the persewer nothing for the custome nor awes him anything therfoir.'

*Eodem die* decerns Mark Kyle and James Pursall, indwellers in Lessudden, to repossess Mr. James Adamsone, minister at Pitnen, in 'ane quarter of land in Lessudden' with pertinents and in a piece of meadow pertaining to the same, wherein the pursuer stands infest by his sasine, 11 January 1669; and fines the defenders 10 l. each for wrongful intrusion. Defenders confessed they possessed it 'as takeing it from ane womane in Longnewtoun.'

Melrose, 12 October 1672; Mr. Robert Main.

Which day decerns Adam Hislope in Longshaw mill to pay to John Suord in Wall 3 l. 'for tua dunmond sheipe lost be the defender to the persewer pastured upone the defenders ground in Longshaw,' 1672; defender confessed 'he receaved from him tua outcomed hoges from the herd'; reserves to defender his relief against the present herd, James Wood.

*Eodem die* decerns William Ker in Newtoun to pay to Charles, Earl of Haddington, 5 l. 12 s. 6 d. 'for the teynd deutie of ane land in Neutoun and ane quarter possess be the defender cropt and year of God 1669 years'; defender absent.

Melrose, 19 October 1672; Mr. Robert Maine.

Which day absolves Thomas Boustone 'Wind' in Galtounsyde, John Halliwall 'Croce' there, and John Mabone there, from action by James Blaikie, Gavin Paterson and Robert Broun in —, who obtained decret, 20 May 1667, against Robert Pringle of Blindlie for 30 l. 13 s. 4 d. of principal and 3 l. expenses of plea and by precept thereupon directed to Andrew Phaupe, messenger, caused arreist in the defenders' hands all that they were owing to Blindlie. The bailie found the exception by defenders relevant, that the goods arreisted were not in the defenders' custody and keeping, so absolves, reserving action to the pursuers against Blindlie as principal debtor.

*Eodem die* absolves William Wright, smith in Galtounside, from action by Alexander Lythgow of Drygrange against him for daily pulling and removing the pursuer's heather on his lands of Drygrange; defender denied that he got any heather 'but quhat he bought from Thomas Boustone'; referred to his oath, who deponed 'he pulled non without the persewers consent.'

Melrose, 26 October 1672; Andrew Mar, *pro tem*.

'The quhilk day, ane advocacione John Lythgow in Newhouses and uthers *contra* John Wright produced and admitted, the double quherof is in the proces.'

Melrose, 2 November 1672; Mr. Robert Maine.

Which day action by Walter Scott now of Goldielands, eldest lawful son and heir of deceased Sir Walter Scott of Goldielands, against Andrew Tuno, notary public, portioner of Melrose, as having in his custody the protocol book aftermentioned, and all others having or pretending interest, narrating that the pursuer and his father and their predecessors and authors were infeft as follows, viz. the said deceased Sir Walter Scott was infeft on 28 August 1620 in the lands of Goldielands and Westcotrige with houses, outsetts, orchards, dovecots, and all pertinents, conform to instrument of sasine under the hand of deceased Gilbert Watt, notary; the pursuer was infeft same day (by his father's charter) in said lands of Goldielands in the barony of Branhholme in shire of Roxburgh, conform to instrument by same notary; and he craves transumps of the said two instruments of sasine out of the protocol book of the said Gilbert Watt, in the defender's custody. Pursuer compearing by James Edgar his procurator, and defender compearing personally, and no others, and it being referred to defender's oath, he confessed having the protocol book and produced the same, and the bailie decerns transumps to be delivered to the pursuer on his own charges of the said two instruments of sasine. These

are here recorded *in extenso*, in Latin, the first being given to Sir Walter Scott of Goldielands by Andrew Riddell of that Ilk as bailie, on a Charter by Walter, Earl of Buccleugh, Lord Scott of Whitchester and Eskdale, to the said Sir Walter Scott of Goldielands and the heirs male lawfully procreated or to be procreated of his body, whom failing, to revert to the said Earl and his heirs male and successors in the earldom of Buccleugh, of all and whole the lands of Goldielands and Westcottrige, with pertinents; which charter is written by Mr. John Adamson, servitor to Mr. Francis Hay, W.S., and dated at Edinburgh, 17 May 1620, and attested by Andrew Riddell of that Ilk, Laurence Scott of Harperrig, advocate, Walter Scott, younger of Goldielands, Walter Scott, the Earl's servitor, Andrew Hay, clerk, John Burnett his servant, and Richard Broun, servitor to said Laurence Scott; and the sasine, given on the ground of these respective lands between 3 and 4 P.M., is attested by Robert Scott, elder, called of Heidshaw, Andrew Hay, W.S., Robert Scott, brother natural of said Sir Walter Scott, Thomas Lauder in Braidhaughe, and Thomas Atchiesone there. The second sasine is given by said Sir Walter Scott of Goldielands to Walter Scott, his eldest lawful son and apparent heir, on a Charter by himself to his said son and the heirs male lawfully to be procreated between him and Jean Riddell, his promised spouse, whom failing, the heirs male lawfully to be procreated of his body, whom failing, the heirs male and successors of Walter, Earl of Buccleugh, of all and whole the lands of Goldielands, with pertinents, in the barony of Branxholme, reserving from this infeftment an annualrent of 500 merks upliftable from the said lands by the said Walter Scott and his promised spouse and their foresaids in special warrandice of the lands of Pirntatoune, principally disposed in terms of their contract of marriage, and reserving to said Sir Walter Scott his liferent of the said lands of Goldielands, with the burden of the said annualrent in the event of eviction of the said lands of Pirntaiton, and also reserving power to said Sir Walter Scott if necessary to sell and wadset the said lands and others specified in the contract

(except the lands disponed to Jean Riddell in conjoint infeftment) to whatever person he chooses, but under reversion to said Walter Scott his son and his foresaids for 3000 merks, conform to the contract of marriage. Done upon the lands of Goldielands, 4 P.M., in presence of same witnesses as to previous sasine.

Melrose, 9 November 1672 ; Mr. Robert Maine.

Which day absolves John Penman, portioner of Melrose, from action by George Eillies, portioner of Danzeltoune, 'for certane stouanes alledged hollen and taken away be the said John Penman defender out of the burne of Danzeltoune perteaneing to the persewer' who obtained arreistment 'and caused fense and arreast the saids stouanes lying one the hie way of Melrois and stoped the workmen that was building the said defenders hous with the saids stouanes,' until the defender should find caution for making the same forthcoming to the pursuer, who accordingly found Andrew Penman, his brother, cautioner, and gave bond to that effect. Penman pursued Eillies to insist in his action, so that the bond might be redelivered, and both parties desired men to visit the ground and report, whereupon the bailie ordained George Wallace, notary in Melrose, and William Wallace, weaver there, to go, who reported that Eillies 'had susteained nor incurred noe prejudice be the said Johne Penman his holking of the saids stouanes'; so absolves, and ordains Penman to have up the said bond.

Melrose, 16 November 1672 ; Mr. Robert Maine.

Which day decerns James Stobo in Mosshouses to pay to George Pringle of Blindlie 8 l. for half a year's fee, because defender ran away from pursuer's service and pursuer deponed he never gave the defender over nor liberty to go away.

*Eodem die* absolves Thomas Huntar in Melrose from action by James Broun in Ancrom for 20 l. 'for severall



alledgit bloods and ryots and breaking of arreistments within the parochine of Abotroull.' Pursuer compeared personally, and defender by George Wallace his procurator, and pursuer referred to defender's oath, but the procurator answered 'that noe actione might be at the persewers instance becaus he did not produce a decreitt at the fiscalls instance against the defender and his assignatione to it.'

Melrose, 23 November 1672 ; Mr. Robert Maine.

Which day action by James Meine in Coldonknowsbyres against John Meine, maltman, portioner of Newsteid, Andrew Meine, mason there, James Merseer there, and James Wauche, portioner of Melrose, narrating decreet of apprising 14 September 1665 obtained before George Kennedie, messenger, in the New Session House of Edinburgh, at instance of James Peter, W.S., against John Mein, son and charged to enter heir special to deceased Bernard Mein portioner of Newsteid, whereby there was apprised from him 16 acres of land of the town and lands of Newsteid, with teind sheaves included, with houses, yards, crofts, and pertinents, and these two acres of land there called the Houlands, 'with the coatyards and Monksmeidow,' teind sheaves included, and whole pertinents ; also 5 acres of land in the Annay of Melrose, with teind sheaves and pertinents ; in satisfaction to said James Peter of the sum of 507 l. 19 s. 4 d. of principal, 100 l. of expenses, and interest, contained in Bond, 18 May 1665, by said John Mein to said James Peter, registered in Burgh Court Books of Edinburgh, 3 July 1665, and also 124 l. 6 s. 8 d. of principal, 30 l. expenses, and interest, in Bond, 18 May 1665, by said John Mein to deceased Alexander Peter, writer in Edinburgh, registered in Books of Council and Session, 3 July 1665, and assigned by said Alexander to said James Peter, 23 May 1665, extending to 771 l. 10 s., and 38 l. 11 s. 6 d. of sheriff fee. Thereupon James Peter raised horning against John, Earl of Haddington, superior, and charged him on 14 December 1666 to grant him infeftment in the

said lands; and said John Mein, with consent of John Rodger, writer in Edinburgh, in whose favour he had disposed the right of the said lands, granted a Ratification 10 July 1671, of the said apprising to the extent of 900 merks and due interest, in favour of said James Peter, and assigned the rents and duties to him. By assignation and disposition, 6 November 1672, James Peter sold and disposed to James Meine, pursuer, the whole foresaid subjects, and decret of apprising and other titles relative thereto; who therefore acclaims from said John Meine 8 bolls of bear for the ferme of 8 acres of land, crop and year 1672, from Andrew Meine 2½ bolls of bear for the half of the lands of Coatyards and Houlands, from James Merser 6½ bolls of bear for the ferme of 10 acres of the foresaid lands, and from James Wauche 1 boll of bear for the ferme of 2 acres of the foresaid lands in the Annay of Melrose, said crop and year, as the maills and duties owing by them according to what they occupy. Pursuer produced grounds of process as above, defenders absent, decerned to pay as claimed; 3 l. expenses of plea.

*Eodem die* decerns John Leitheid in Melrose to pay to Mr. William Mein in Edinburgh 4 l. as balance of price of malt bought from pursuer; pursuer compeared by John Bunzie his procurator, defender absent.

*Eodem die* Agnes Meine, wife of John Maxweill in Melrose, compeared and judicially ratified and swore to her subscription of a Disposition, 18 November inst. granted by Maxwell with her consent to Alexander Maxwell, his brother, of two tenements in Litill Fordell with houses, yards, and pertinents, and declared that she was not coerced and would never impugn the same; witnesses, William Mabone in Melrose, John Bunzie, portioner of Newsteid, and William Lythgow, servitor to Thomas Wilkiesone, clerk of Melrose.

*Eodem die* decerns John Unse, wright in Lessudden, and Mr. James Adamsone, portioner there, to pay to Mr. John Sumerwall, minister at St. Boswalls, the former 30 l. [*sic*];

10 s. for a firloft of meal; 1 l. resting for crop 1665; 3 l. 15 s. for half a boll of bear, crop 1668; 4 l. 16 s. for half a boll of bear, crop 1669; 4 l. 10 s. for bear, crop 1670; 4 l. 5 s. for bear, crop 1671; extending to 21 l. 16 s.; and the latter, 2 l. 2 s. 6 d. for a firloft of bear, crop 1671. Pursuer compeared by William Lythgow his procurator, defenders absent.

*Eodem die* decerns Thomas Lukepe in Melrose and Helen Wauche his spouse to pay to Andrew Mar, portioner of Galtonside, 4 l. for malt bought from pursuer about a year ago; defender absent.

*Eodem die* decerns Michael Gibsone in Melrose to pay to John Coat, portioner of Lessudden, 5 l. for a black stirk bought from pursuer at Pasch; defender absent; 10 s. expenses.

Melrose, 30 November 1672; Mr. Robert Maine.

Which day decerns John Thin, portioner of Blainslie, to pay to Marion Stirling in Cockleferrie 6 l. of fee for service wrought by her from Whitsunday 1670 to Martinmas 1670; referred to pursuer, who deponed that 6 l. was promised.

*Eodem die* decerns John Andersone, son of William Andersone, portioner of Ridpeth, to pay to Archibald Frier in Galtounside 4 l. 10 s. 'for ane timber cairt makeing up,' and 10 s. 'for ane barrow and ane baikbreade'; defender absent.

Melrose, 7 December 1672; Mr. Robert Maine.

Which day action by Andrew Drumond in Darnick against John Thomsone there, narrating that the pursuer was hired at Candlemas 1671 to serve the defender till Martinmas thereafter, and served him a month or so, and then falling sick had to leave his service for a month, but the defender refused to take him back. The defender

ought therefore to pay him 17 l. of fee, half an ell of linen at 8 s. and 6 quarters of gray at 1 l. 10 s., and 2 pairs of shoes at 1 l. 4 s., in all 20 l. 4 s. Also the defender took from Andrew Chisholm in Darnick the pursuer's houses and yards and land, for which he should have given the pursuer 10 merks and was to uphold the houses wind and water tight and pay all public burdens. Pursuer compearing, with James Edgar his procurator, and defender compearing, with George Wallace his procurator, defender denied, and pursuer adduced Andrew Chisholme and Andrew Merse in Darnick as witnesses, who deponed positively, so the bailie decerns the defender to pay 5 l. 12 s. for the fee and bounty, and the 10 merks acclaimed for rent and duty, extending to 12 l. 5 s. 4 d., superseding execution for the ten merks till Whitsunday next.

Melrose, 14 December 1672 ; Mr. Robert Maine.

Which day absolves William Boustone, weaver, portioner of Galtonside, from action by John Halliwall, maltman, portioner there, for 9 l. borrowed from pursuer at Lammas 1668, and 14 l. 12 s. borrowed at Lammas 1669, and 2 l. 18 s. more borrowed in 1669 ; defender denied, referred to his oath, who deponed he borrowed nothing but 4 merks ; absolves from all but 4 merks.

*Eodem die* action by Katherine Ormstone, widow in Danzeltoun, and James Edgar, fiscal, for his interest, against George Eillies, portioner of Danzeltoun, who about a month ago took away ' ane kyne and ane quey ' belonging to her, worth 20 l., for which he should be fined. Defender confessed having ' the kyne,' and refused to redeliver the same till he was satisfied of 20 l. as the price thereof alleged due by said Katherine to him. Decerns him to restore the kine to her and to pay 10 l. of fine to the fiscal ; reserving action to him against the pursuer for the price of the kine.

*Eodem die* decerns John Young in Threipwood to pay to William Notman there 4 l. 10 s. 8 d. ' for ane soumes

grasse pastured be the persewer to the defender *anno* 1672'; defender confessed.

*Eodem die* absolves William Wilsone in Longhauche from action by Robert Pringle of Blindlie, narrating that the said William Wilsone 'being constable to the justice of peace in *anno* — did come to the said persewer and entreated him to concure with the said defender in the biging of ane stone bridge over the water of Elwand, and promised that quhatsoever expenses and charges the said persewer was at in going about and conditioning the materialls and workmen for biging of the said bridge the said defender sould make payment to him of the samyne, and that the said persewer sould be noe lossier therby if soe be that the justice of peace would not pay him of the samyne; and according to the said defender his desyre the said persewer went and conditioned soe meikle timber as to be fynetries to the said bridge, quhiche the said persewer caused bring home and payed for the samyne upon his aune charges, and caused fetch home lyme, sand and pendstones from Housbyrecraige, hyred workmen to build the samyne bridge, and neglected his aune effaires betuixt Witsonday and Mihilmes, and siclyke the said persewer bought four boalls of malt and caused brue the samyne for the use of the saids workmen, quhiche the haill charges and expenses extends to the soun of tua hundreth merks Scotts,' which the defender ought to pay, seeing the justices of peace have as yet paid nothing. Pursuer compearing, with William Lythgow his procurator, and defender compearing, with James Edgar, his procurator, the pursuer adduced as witnesses Andrew Darling, portioner of Aplettrieleaves, Adam Darling in Westhouses, Patrick Lukupe in Melrose, and William Morton in Westhouses, whose depositions fail to prove the libel, so absolves the defender.

*Eodem die* decerns Andrew Mertoune in Melrose and Patrick Lukupe there to pay to Sir Thomas Ker of Farnilie 28 l. as balance of 66 l. for the pursuer's fruit yard bought by them in 1672; pursuer compeared by William Lythgow

his procurator, and Andrew Mertoune compearing confessed he and said Patrick made the bargain at 66 l. 'butt knowes not what is payed or quhat is awand,' and Lukepe being absent is held as confessed.

Melrose, 21 December 1672 ; Mr. Robert Maine.

Which day decerns William Andersone, merchant in Melrose, and William Andersone, sometime weaver in Danzeltoune, to pay to John Mein, maltman, portioner of Newsteid, 12 l. due by him to the weaver and arreisted in defender's hands for payment of 8 l. 6 s. 8 d. of principal and 20 s. expenses in decreet, 13 May 1671, by pursuer against the weaver ; defender confessed owing as much ; 20 s. expenses.

*Eodem die* decerns Thomas Law in Melrose to pay to John Sclaiter, portioner of Eildoune, 4 l. 8 s. as balance of price of sheep bought from pursuer about Michaelmas 1671 ; defender absent.

*Eodem die* decerns John Quarrie in Eildon to pay to Andrew Merser, maltman in Darnick, 56 s. as balance of a greater sum, and 4 l. 4 s. as the agreed price of a boll of infield oats ; defender absent, pursuer deponed ; 16 s. expenses.

*Eodem die* decerns Patrick Lukepe in Melrose to relieve Andrew Mertoune there at the hands of Sir Thomas Ker of Farnilie, and pay to Sir Thomas the whole sum of 66 l. for his fruit yard, 1672, for which the said defender and pursuer did agree and bought it equally between them, and the pursuer was to quit all his interest in the same and gave to the defender 40 s. [*sic*] to relieve the pursuer, and the defender received the said 40 s. and was content therewith ; pursuer compearing, defender absent, the bailie referred to pursuer's probation, who adduced James Milne in Melrose and James Mertoune, tailor there, who proved the same sufficiently.

Melrose, 28 December 1672 ; Mr. Robert Maine.

Which day complaint by James Edgar, portioner of Melrose, against Andrew Phaupe there and Bessie Duglas his spouse, who have 'snead severall tries groweing in the yeard at Bouarsbrae betuixt them and the said persewer his yeard there, and sielyke hes cutt upe and away taken severall thornes in the same place, to the said persewer his great prejudice and scaithe'; and they refuse 'to cleare and red merches' with him. Both parties compearing and consenting, the bailie ordains James Eillies, Thomas Wilkiesone, Adam Lythgow, and John Rathie, portioners of Melrose, to pass to the controverted ground, and set march stones, and report in writing next court; who on 21 December last reported that they had set three march stones 'one the west end of the said James Edgar his lands, and tua merche stonnes with the thorne bushes yett there groweing upone the south syde therof, and finds the samyne to be the marches betuixt the yeards and lands contraverted;' Melrose, 16 December 1672. Bessie Douglas alleged that 'the tutors of her sones bairnes' ought to have been 'acquainted' before sentence; 28 December assigned to bring them, on which day defenders not compearing, the bailie interpones his decret and authority to the foresaid report.

*Eodem die* decerns Thomas Huntar, merchant in Melrose, to pay to Alexander Dalgleshe in Quarrellhill 12 l. 16 s. for sheep bought from the pursuer about 20 days before Martinmas; defender absent.

*Eodem die* decerns William Huntar, indweller in Ridpethe, to pay to John Lythgow, portioner there, 14 l. 2 s. for the teind duty of a husband land in Ridpethe of the pursuer's, possessed by the defender, crops and years 1666 and 1667; defender absent.

*Eodem die* decerns Grizel Scott, widow of John Fishar of Wester housbyre, to pay to William Mudie, portioner of Darnick, 7 l. 10 s. as balance of fee and bounty for a

year's service by the pursuer to the defender's son, Martinmas 1669 to Whitsunday 1670 [*sic*]; defender's son, Andrew Fisher, compeared and alleged the pursuer received 6 firlots of oats, but pursuer deponed he received only a boll at 5 l. 'of the forend of his fie.'

*Eodem die* absolves David Uns in Lessudden from action by Robert Midlemes in Eildon and Alison Riddell his spouse, for 4 l. 10 s. due to Alison Riddell as the price of a boll of bear bought from her about 9 years ago; defender compeared, with John Bunzie his procurator, denied, and pursuers referred it to his oath, who deponed negative.

*Eodem die* decerns Thomas Darling in Blainslie to pay to John Lithgow in Newhouses 33 s. 8 d. for three months' service by pursuer's daughter to the defender about December 1671; defender confessed 'he was content to pay the fie according to the tyme of her service.'

*Eodem die* absolves Thomas Buie in Longshaw from action by George Blaikie there, narrating that by a Minute passed between them on 11th May 1671 they are 'bound togidder to work and bige ane park dyke in Longshaw conteaneing ane hundrethe ruids, and to be at the paines and expenses to buy ane hors to wine and leid the saids stones to the said park dyke, and to be at the half of the charges that was waired out at the biging of the said park dyke, under the paine of 36 l. Scotts.' Both parties compearing, the defender alleged 'he quite the bargane with consent of the persewer,' and referred to pursuer's oath, who deferred to the defender, who deponed 'the Lady of Longshaw come to him and agried with him and promised to gett the persewers libertie, quherupone the Lady speakeing to the persewer, whoe answered he was content if it did not wrong him, to quhich the defender answered that he most have a frie bargane, to quhich it was answered be the persewer that he was content.'



Melrose, 4 January 1673 ; Mr. Robert Maine.

Which day decerns William Wallace, weaver in Melrose, to pay to Harry Wallace, smith there, 6 l. 12 s. 4 d. due by defender to Andrew Turnbull in Bouden and arreisted for sums contained in decret before the sheriff of Roxburgh, 2 July 1672, at pursuer's instance against Turnbull. Defender deponed owing nothing more at the time of arreistment.

*Eodem die* decerns Margaret Mein, widow of Robert Mein *alias* Long, portioner of Newsteid, to pay to William Andersone, merchant in Melrose, 1 l. 16 s. 4 d. 'for certane irone, suggar and candle' bought from pursuer on 31 October 1671 ; defender absent, 'Johne Mein compered and denyed' ; pursuer deponed.

*Eodem die* decerns William Fishar, portioner of Longlie, to pay to Charles Watson there 3 s. for four or five sheaves of bear eaten and destroyed by the defender's horse last harvest ; proved by several witnesses adduced [not named].

Melrose, 11 January 1673 ; Mr. Robert Maine.

Which day decerns Andrew Merse, 'Pooll,' portioner of Darnick, to pay to John Penman, portioner of Melrose, 10 merks for a boll of oats bought from pursuer about a year ago ; defender confessed.

Melrose, 18 January 1673 ; Mr. Robert Maine.

Which day decerns John Merse, 'Lochbreaste,' portioner of Bridgend, to pay to John Purves in Preistoun 4 l. for pasture and grazing of two nolt to the defender last summer ; 'becaus upone consideratione the ballie did modifie the lybill to the said soun of 4 l. Scotts.'

*Eodem die* decerns David Kyle, 'Eister,' in Lessudden, to pay to Mr. John Summerwall, minister at St. Boswalls, 10 l. 10 s. for meal bought from the pursuer, and 8 l. 5 s.

for malt, and 5 l. 3 s. for oats, and 2 l. 19 s. resting due by the defender, extending to 26 l. 19 s.; defender absent.

Melrose, 25 January 1673; Andrew Mar, portioner of Galtonside, bailie-depute *pro tempore*.

Which day absolves George Hounam in Bridgend from action by Andrew Drumond, weaver in Darnick, for 4 l. for weaving cloth to the defender about two years ago; defender denied, referred to his and his wife's oaths, and the defender deponed negative, 'that he awes the persewer nothing,' and Margaret Ireland, defender's wife, depones 'that for anything shee knowes the persewer is payed.'

Melrose, 1 February 1673; Andrew Mar.

Which day decerns Andrew Merse, 'Pooll,' in Darnick to pay to Robert Mar there 4 l. 13 s., with 18 s. of interest, borrowed from pursuer about four years ago; defender absent, pursuer deponed.

Melrose, 8 February 1673; Andrew Mar.

Which day decerns Andrew Darleing, portioner of Aplettrieleaves, to pay to John Fishar and Andrew Merse, maltmen in Darnick, 11 l. for meal bought from the pursuers about two years ago; defender absent, pursuer deponed.

Melrose, 15 February 1673; Andrew Mar.

Which day decerns Robert Spotswood in Darnick to pay to John Wilsone in Longhauch 5 merks for work wrought by him to the defender; defender confessed.

*Eodem die* decerns George Gibsone in Lessudden and John King there to pay to Mr. John Summerwall, minister at St. Boswells, as follows:—Gibson, 6 l. 1 s. for meal and bear bought from the pursuer about Lammas last; and King, 4 l. 5 s. for his parsonage teind bear, 1671. Defenders absent.

*Eodem die* decerns Charles Watsone in Eister Longlie to pay to John Hislope in Galashiels 4 l. 17 s. for certain iron and other merchant ware bought from the pursuer; defender confessed.

Melrose, 22 February 1673; Mr. Robert Mainie.

Which day decerns Robert Foga in Blainslie to pay to James Sounhous there 40 s. 'for ane halfe sheips soum taken be the defender from the persewer in summer then last'; referred to defender's oath, who refused to depone.

*Eodem die* decerns James Huntar, portioner of Eildoun, to pay to Robert Riddell in Newsteid 4 l. for a harvest fee 'wrought be the persewers spous to the defender in harvest then last 1672'; defender absent, pursuer deponed.

Melrose, 1 March 1673; Mr. Robert Mainie.

Which day action by George Wallace, portioner of Melrose, against Agnes and Bessie Mein, lawful daughters and heirs portioners of deceased John Mein *alias* Page, portioner of Newsteid, and John Heitoun, weaver in Darnick, husband of said Bessie Mein, and John Mein, weaver in Newsteid, husband of said Agnes Mein, for their interests, narrating that said deceased John Mein granted Bond, 8 July 1665, to pursuer for 3 l. Scots, and he having made no payment thereof the said defenders ought to be liable to pay the same. Pursuer compearing personally, and Bessie Mein and her husband compearing by James Edgar their procurator, and Agnes and her husband compearing by John Bunzie their procurator; and James Edgar alleged that when Heitoun and his spouse disposed to John Mein and his spouse all kindness and right they had or could have to the acres and houses in Newsteid, as one of the heirs portioners of the defunct, the said John undertook to relieve them of all debts that might be owing by the defunct to any person; and on 15 February produced Walter Vair, Andrew Kennedie,

and Andrew Chisholme, portioners of Darnick, as witnesses, who deponed as above; wherefore decerns John Mein and his spouse to pay the debt, and absolves Bessie Mein and her spouse from the claim.

*Eodem die* decerns Andrew Cairncroce in Wester Longlie to pay to John Hislope, merchant in Galashiels, 10 l. 6 s. for fee of half a year's service wrought by James Stobo in Carrelsyde to the said Andrew, Martinmas 1671 to Whitsunday 1672, and assigned by Stobo to Hislop; assignation produced, pursuer compearing with George Wallace his procurator; defender absent; 22 s. expenses.

*Eodem die* decerns John Leitheid in Melrose to pay to John Patone in Lessudden 6 l. 14 s. 8 d. as balance of price of malt bought from pursuer; defender alleged 'he knew nothing of it, but his wife only'; decerns on pursuer's oath.

Melrose, 8 March 1673; Mr. Robert Maine.

Which day decerns Nicol Gray in Rone of Blainslie to pay to James Burnley in Kaidlsly 3 l. 8 s. for a bed bought from pursuer about three years ago; defender absent; 8 s. expenses.

*Eodem die* absolves James Laidlaw in Newtoun from action by Thomas Milne there against him for payment of 3 l. for three half years' mail of a house in Newtoun, Whitsunday 1668 to Martinmas 1669, and 2 l. 10 s. for 'ane hors soum and ane leye'; also 18 s. for 'thrie sheipes grasse,' and 1 l. 16 s. paid out by the pursuer to Thomas Stenhous for the defender; 1 l. 14 s. for tilling of land; 1 l. 6 s. 8 d. 'for his wheat fauche'; 4 s. paid to Thomas Law in Melrose; 2 l. 3 s. 4 d. 'for certane striken cloath'; 2 l. for ten days' meat furnished by the pursuer to the defender in harvest 1668; and 20 l. 'for his bed 3 years.' Pursuer compeared by John Bunzie his procurator, and referred to the defender's oath, who deponed 'as to the hous mail that it was gifted to him gratis; as to the 2 l. 10 s. for hors grasse, confessed, as

alsoe 18 s. for thrie sheapes grasse, confessed ; as to the 36 s. payed to the said Thomas Stenhous deponed negative ; as to the teyilling of land and wheat fauch and 4 s. to Thomas Law, depones negative ; and confesses the 43 s. 4 d. for the stricking cloath ; as to the tua pound for meat depones negative, and as to the tuentie pounds for his bed 3 yeares depones negative.' Decerns for what is confessed, being 5 l. 11 s., and absolves from the rest.

*Eodem die* decerns John Merse, 'Lochbreast,' portioner of Bridgend, to pay to William Andersone, merchant in Melrose, 2 l. 4 s. 4 d. for lint bought from pursuer about two years ago ; defender alleged he owed only 13 s. 4 d. 'and thereafter was holden as confest.'

*Eodem die* absolves Thomas Milne in Neutoun from action by James Laidlaw there for a boll of wheat, price 5 l., 5 firlots of bear, price 10 l., for 'ane quarter of land ferme in Neoutoun possess be him cropt and year of God 1669' ; also 'tua Louding boalles oats, price 12 l. Scotts' borrowed by him from the pursuer about three years ago, and 7 l. of fee for services in harvest 1669 by the pursuer to him, and 6 l. and a boll of bear, price 8 l., with half a year's fee and bounty wrought for by the pursuer to the defender about 16 years ago ; extending in all to 48 l. Referred to defender's oath, who deponed negative to all except 5 l. for wheat ; supersedes extract 'untill the persewer instruct his richt.'

Melrose, 29 March 1673 ; Mr. Robert Maine.

Which day absolves John Scott, baker in Galtonside, from action by William Andersone, merchant in Melrose, for 6 l. 14 s. for merchandise bought about 2 years ago ; defender denied all but 12 s. and pursuer offered to prove the claim by his account book, and thereafter restricted the claim to 38 s. 8 d. and referred it to defender's oath, who deferred to pursuer, who refused to depone ; absolves from all but 12 s.

*Eodem die* decerns James Edgar, fiscal, to deliver to Janet Howie in Kelso a plaid pertaining to her in his custody, stolen from her in Jedburgh by Barbara Ker, and which he arreisted till the verity of its ownership was known. Defender produced the plaid, 'and the said persewer being presentt, and George Flint in Smaillholm with her being interrogat anent the markes of the said plaid declaired ther is figures one the yellow about 22, and that the persewers aun mark is besyd the former and is ane xi.; thereafter the plaid being sighted, ther is marked one it on yellow thus 204, xi. The said George Flint being present and suorne upone his great oath and interrogat if the plaid produced was the same individuall plaid he marked, sold and delyvered to the persewer, deponed positive'; therefore decerns the plaid to be delivered to her, she paying the expenses and finding caution to make the same forthcoming to all who shall pretend interest.

*Eodem die* decerns James Patersone in Newstied to pay to Thomas Bunzie, son of John Bunzie, portioner there, 2 l. 15 s. for tobacco and other merchandise bought about 2 years ago; defender absent; 6 s. expenses.

Melrose, 12 April 1673; Mr. Robert Maine.

Which day action by George Pringle of Buckholme against William Cairncroce of Calphill, narrating that pursuer stands infeft in the lands of Ladupmore with houses, yards, teindsheaves and other teinds, and that meadow or moss called Reidrocemos, with pertinents, as presently possessed by him and lately by deceased William Tait there, as pursuer's sasine under the hand of Thomas Wilkiesone, notary, dated 7 January last, bears; and craving and suing for exhibition of a Charter, dated at Edinburgh, 16 July 1627, by deceased Thomas, Earl of Melrose, to deceased Nicol Cairncroce, goodsir to the defender, of the said lands of Ladupmoore with pertinents; Sasine thereupon of Nicol Cairncroce, 21 September 1627, subscribed by Alexander Wilkiesone,

notary, registered at Selkirk, 30 September 1627, by David Peter; Precept of Clare constat, dated at Melrose and Edinburgh, 27 and 29 August 1646, by deceased John, Earl of Haddington, with consent of curators, to deceased James Cairncroce of Calfhill, eldest son and heir of said Nicol Cairncroce, of said lands and pertinents; Sasine thereupon of said James Cairncroce, 17 July 1650, subscribed by William Wallace, notary, registered at Selkirk, 18 July 1650, by said David Peter; Precept of Clare constat, dated at Tynninghame, 2 February 1653, by said Earl to William Cairncroce as son and heir to said deceased James Cairncroce in foresaid lands; Sasine of said William Cairncroce thereupon, 29 December 1654, subscribed by Robert Ogilvie, notary, registered at Melrose, 8 February 1655, by Andrew Tuno, notary there; so that transumps may be made thereof, since the pursuer cannot recover the principal evidents, which contain several other lands pertaining to the defender. Pursuer compearing by William Lythgow his procurator, and defender by James Edgar his procurator, and no others compearing as interested parties, the bailie ordains the foresaid writs to be transumed at the pursuer's expense, and decerns the same to be as valid as the principal evidents, the defender's procurator having confessed to possession of the writs and consented to the transuming thereof. [The writs are here recorded in full, extending to about 20 pages.]

1. The first, in Latin, is a Charter by the Earl of Melrose, who understanding that Nicol Cairncroce of Calfhill and his predecessors have been past memory of man natives, tenants and possessors of the following lands, and that the evidents and securities of the said lands were burned by a great fire, evidences of which were produced, and being desirous not to prejudge the said Nicol in his possession, of new grants to him and his heirs and successors the lands of Calfhill *alias* Eastside of Ladupmoore, and that piece of land called Notmans Park adjacent to the said lands of Calfhill, on the west side of the Water of Elwand, acquired by deceased Nicol Cairncroce, father of

the said Nicol, from James Notman in Moshouses; also the 5 merk lands of Moxpople; to be held of the granter in feufarm for yearly payment as follows, for Calfhill 10 l. Scots as the old ferme and 13 s. 4 d. in augmentation; for Notmans Park 2 s.; for Ladupmoore [*sic*] with teinds and marsh foresaid <sup>1</sup> 55 stones of butter or 6 s. 8 d. per stone at the payer's option, and 6 'fedders' of turves or 6 s. 8 d. for the same [*pro eisdem*], at the payer's option, with 6 s. 8 d. in augmentation, and with suits at three head courts of the granter's lordship held yearly at the monastery of Melrose; and for the 5 merk lands of Moxpople 3 l. 6 s. 8 d., with 3 s. 4 d. in augmentation, extending in whole to 33 l. 5 s. 4 d. [*sic*]; and doubling the feufarm at entry of heirs to each or any of the above subjects. Precept is directed to James Pringle of Buckholme to give sasine, and one sasine taken at the manor place of Calfhill called the Hilslope is declared to be sufficient for all. Archibald Elliot, the Earl's servitor, writes the charter; witnesses, David M'Culloch, Mr. Adam Hepburne, George Pringle, Thomas Fraser and said Archibald Elliot, his servitors.

2. The Sasine following thereupon mentions the lands of Ladupmoore with teindsheaves and other teinds, and with the marsh called the Reiderocemos, as a specific part of the grant; witnesses, George Home of Bellitaw, John Stoddart in Buckholme, James Cairncroce, apparent of Calfhill, and William Cairncroce in Colmslie.

3. The Precept of Clare constat, 1646, is directed to James Lythgow of Drygrainge, written by William Malloch, writer in Edinburgh, and attested by Gilbert Johnstone, William Nisbet, and James Broune, the Earl's servitors.

4. The Sasine thereupon, incorporating the above Precept, is witnessed (upon the lands of Calfhill, Notmanspark, and Ladupmoor) by John Fisher of Wester Housbyre, Robert Young, servitor to the bailie, Robert Newton, servitor to said James Cairncroce, and William Turneor,

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<sup>1</sup> Seemingly omitted in the descriptive clauses.



son of Alexander Turneor in Colmslie; and (upon the lands of Moxpople) by said John Fisher, Andrew Tuno, notary in Melrose, Patrick Bulman in Maxpople, and George Haistie there.

5. The Precept of Clare constat to William Cairncroce, 1653, is directed to James Lythgow of Drygrange (and narrates *i.a.* the reddendo of Ladopmoore as 55 stones of butter or 6 s. 8 d. per stone, and 'sex fedders of peitts' or 6 s. 8 d. for the same); is written by William Wright, writer in Edinburgh, and attested by James Broun, William Nisbet, and James Watson, the Earl's servitors.

6. The Sasine thereupon is witnessed (on the lands of Calfhill, Ladopmoore and Notmanspark) by James Ker, younger, in Melrose, Alexander Ushar, servitor to the Earl of Haddington at Melrose, William Fisher, portioner of Easter Longlie, and Thomas Fiergreive, indweller in Ladopmoore; and (on the lands of Moxpople) by said James Ker, Alexander Ushar, and James Haistie and James Draughwell, indwellers in Moxpople.

Melrose, 21 April 1673; Mr. Robert Maine.

Which day decerns James Waugh in Melrose to pay to Alexander Patersone in Rutherford 13 l. 6 s. 8 d. for certain oats bought from the pursuer about three years ago; referred to defender's oath, who deferred to the pursuer, who deponed positive; 36 s. expenses.

Melrose, 26 April 1673; Mr. Robert Maine.

Which day decerns John Purves in Drygrange to pay to James Miln in Melrose 4 l. for which the pursuer became cautioner for him to Andrew Lythgow, brother german of Alexander Lythgow of Drygrange; defender absent; 8 s. expenses.

Melrose, 3 May 1673; Mr. Robert Maine.

Which day decerns James Edgar, portioner of Melrose, fiscal, to pay to Thomas Law in Darnick 22 s. 'for certane

gresse in the sand yeard of Melrois' bought from the pursuer, and 12 s. 8 d. 'for furnished things to his house'; defences repelled, defender refused to depone; absolves the defender 'from all the rest conteaned in the said lybill.'

*Eodem die* decerns John Sounhous, portioner of Blainslie, to pay to James Wilkiesone in Lauder 9 l. 9 s. and 24 s. for a meikle full of bear, for a harvest fee wrought for by the pursuer to him in crop 1672, conform to the defender's ticket to him; defender absent; 2 merks of expenses.

*Eodem die* the bailie discharges all persons 'to make use of wayes or rods throw the Earle of Hadintoun his meidow in Melrois in tyme comeing without licence first sought and obtained under the pain of 40 s. for ilk transgression, betuixt the first day of Apryle and ——.'

Melrose, 17 May 1673; Andrew Mar, *pro tem*.

Which day decerns James Moffitt in Drygrange to pay to Thomas Fiergreive in Hagburne 9 l. 'for the gresse mail of fourscore ten lambs upone the burn of Lambermoore in summer 1672'; defender confessed.

*Eodem die* decerns Thomas Merser in Rink to deliver to Elizabeth Trotter in Galtonside and William Bouston, herd there, for his interest, 'ane wether hog' that pertained to the pursuer and was taken away by the defender when he removed from the lands of Drygrange, and which was in the said William Bouston's custody; otherwise to pay 44 s. as the modified price; referred to defender's oath, who defers to Bouston's oath, who 'deponed (he alledgeing that the defenders father took away the hog) that the defender said to him it was not his father, but that the defenders herd John Halliwall fetched the hog from among the sheip and delyvered it to him.'

Melrose, 24 May 1673 ; Mr. Robert Maine of Lochwood : Charles, Earl of Hadinton, present.

Which day decerns Isobel Thomson, widow in Galtonside, relict of Thomas Wilson, mason there, to pay to Thomas Bouston, servitor to Sir Gilbert Elliot of Stobs, 50 merks of principal, and 3 years' interest preceding Martinmas 1669, extending to 6 l., contained in Bond, 23 January 1660, by Wilson to the pursuer ; pursuer compearing by George Wallace his procurator produced the bond, defences repelled, pursuer to prove the defender's intromission with her husband's goods, and ordained defender to produce her contract of marriage ; and James Edgar, her procurator, produced the said contract, dated 23 February 1663, while pursuer adduced several witnesses, who deponed that she intromitted 'with the reversion of the money that was given for the cornes sold be her husband and 5 sheip and pott and pan and all his houshold plenishing and ane half aiker of land.' The bailie finds her intromission proved, and that the contract of marriage is *post contractum debitum* of the bond, and decerns.

Melrose, 7 June 1673 ; Mr. Robert Maine.

Which day decerns James Miln in Melrose to pay to Thomas Bunzie, son of John Bunzie, portioner of Newsteid, 55 s. of principal and 6 s. expenses due by him to James Paterson in Newsteid and arreisted at pursuer's instance ; defender absent.

Melrose, 14 June 1673 ; Mr. Robert Maine.

Which day decerns James Leithan in Galtonside to pay to Andrew Henderson, sometime in Woodheid, now in Tymphendeane, 9 l. for a boll of bear bought from pursuer ; defender confessed ; 24 s. expenses.

*Eodem die* decerns James Merse, portioner of Newsteid, and Adam Turnbull for his interest, to exhibit in the clerk's hands [a contract] between Adam Turnbull,

mason in Newsteid, and John Bunzie, weaver there, dated —, ‘untill it be known what both pairties can say’; Bunzie consented, Turnbull absent.

*Eodem die* decerns Thomas Law in Darnick to pay to John Mein, maltman, portioner of Newsteid, 28 l. for meal and malt furnished by pursuer to him in 1671, conform to a subscribed account, 17 July 1671; defender absent.

*Eodem die* decerns William Fisher, portioner of Easter Longlie, to pay to Charles Watstone there 4 merks ‘as the modified damage for teilling away 4 furrowes of the said persewers lands end long, and to redelyver the samyn back again, as alsoe to make payment to thes whoe wer at the paines to visit the samyne’; the bailie having ordained Robert Frier, elder, and James Boustone, elder, to visit the controverted ground and report, who gave in their report this day. Also fines the defender 10 l.

*Eodem die* decerns Robert Pringle of Blindlie, Andrew Cairncroce of Wester Longlie, and George Pringle, younger of Blindlie, Robert Mertone in Westhouses, Adam Darling there, William Merton there, George Pringle there, natural son of George Pringle of Buckholm, George Pringle in Coblehous, Robert Ormstone, elder, Robert Ormstone, younger, his son, in Galtonside, John Halliwall, elder, there, Thomas Boustone, ‘Wynd,’ there, Walter Vaitche there, Thomas Boustoun, ‘Eistcoat,’ there, Robert Mylds, younger, there, Thomas Milds there, Robert Boustoun there, Bessie Mylds there, James Boustoun there, Robert Mein, mason, there, James Tait there, James Leithan there, Thomas Williamsone there, Margaret Frier there, Isobel Thomson, John Scot there, John Hoy there, Adam Turnbull in Newsteid, Walter Donaldsone in Melrose, Thomas Lukupe there, John Hog there, John Bouar there, William Wallace, merchant there, William Wallace, weaver, Alexander Heitoune in Darnick, George Hounam there, Robert Mar, Robert Spotswood there, — Mudie there, John Thomsone in Ridpeth, and Thomas

Bouie in Melrose, Andrew Boustoun in Bridgend, and John Ushar there, pretended tenants, possessors and occupiers of the lands of Melrose, Darnick, Bridgend, Westhouses, Galtounsyde, Coblehouse, Wester Longlie and Newsteid, to flit and remove from the same and the teinds, mills, cobles and fishings, to the effect that Charles, Earl of Haddington, and others in his name may enter to possession. Pursuer compeared by James Edgar his procurator, who produced pursuer's sasine dated 6 May 1670 subscribed by Thomas Wilkieson, notary, precept of warning, and procuratory ; all defenders absent, and held as confessed, except George Pringle of Blindlie, who craved a double of the summons, to which James Edgar answered that if he would find caution for the violent profits and duties of his lands he could have the same, whereupon the said George took instruments.

Melrose, 20 June 1673 ; Andrew Mar, *pro tem*.

Which day decerns William Fishar, portioner of Newsteid, to pay to James Mein in Coldonknowesbyres 2 l. as balance of price of an ox bought from the pursuer in March 1672 ; referred to defender's oath, who deferred to pursuer, who deponed positive.

Melrose, 28 June 1673 ; Andrew Mar.

Which day decerns George Hoy *alias* Eastcoat, portioner of Galtonside, to pay to George Hoy, servitor to John Davidstone, gardener in Hallidean, 7 l., and 20 s. for a full of bear, and 6 s. for a pair of hose, as balance of a year's fee for service wrought by the defender to the pursuer [*sic*] about three years ago ; defender absent, pursuer deponed ; 16 s. expenses.

*Eodem die* decerns Thomas Uns, portioner of Lessudden, and his spouse, to pay to George Pringle there 5 l. 14 s. 6 d. for malt and sheep bought by them from the pursuer at Candlemas last ; referred to the defender's oath, who deferred to pursuer, who deponed positive ; 12 s. expenses.

*Eodem die* decerns Rachel Duncan, wife of Robert Forsan, miller in Newsteid, to pay to Margaret Lythgow, wife of James Eillies of Huntliewood, 28 s. for price of a barrel, and balance of price of a stand, received from pursuer ; defender offered to prove she had only borrowed them, but failed to prove it ; 4 s. expenses.

*Eodem die* decerns James Eillies of Huntliewood to pay to Thomas Finlaw in Old Melrose 7 l. as the modified price of fee and bounty for certain service wrought by pursuer to defender ; 14 s. expenses.

*Eodem die* action by James Edgar, fiscal, Thomas Law, commissary officer in Darnick, Walter and Peter Donaldson and Robert Thorbrand in Melrose, John Wallace, James Burn and George Eillies there, against James Fishar of Claikmae, William Swanston, James Atchesone and James Smyth, his servitors, narrating that on 24 June inst. the said Thomas Law as commissary officer, with the assistance of the rest of the pursuers, was poiding the goods and gear of the said James Fishar for payment to said Walter Donaldsone of 60 l. Scots of principal and 6 l. of expenses in decret before the commissary of Peebles dated — inst., and had arreisted several sheep to be apprised for the debt, when the said James Fishar and the foresaid defenders, his servitors, came and deforced the officer and reft the goods from him and beat and struck and wounded the pursuers with staves and other weapons on divers parts of their bodies to the effusion of blood ; whereby the said James Fisher forfeits all his moveables, half to pertain to the fiscal and half to the said Thomas Law, conform to act of Parliament, King James VI. Parl. 12, cap. 150. The said James Edgar compearing personally, and rest of pursuers absent, and the said James Fishar compearing personally, and rest of defenders absent, the defender alleged that the officer and others have committed a manifest 'spuilzie' and riot by apprehending his goods after he had procured letters of suspension dated 20 June 1673 and intimated the same to the pursuers on 23 June, and he produced the said letters

and execution thereof, and the bailie finding that the pouding was not till 24 June he absolves Fisher and his servitors from the action of deforcement, and fines William Swanston in 10 l. for striking the said Robert Thorbrand.

Melrose, 5 July 1673 ; Andrew Mar.

Which day decerns William Wallace *alias* Coolly, weaver in Melrose, to pay to John Heiton, mason in Darnick, 3 l. 13 s. 4 d. for sheep bought from the pursuer at Martinmas 1671 ; pursuer compearing by Andrew Hounam, his son-in-law, referred to defender's oath, who deponed positive [*sic*].

Melrose, 12 July 1673 ; Andrew Mar.

Which day absolves William Bouston, herd in Galtounsyde, from action by Robert Frier, elder, portioner there, narrating that the defender ' throw his negligence lost ane gimar perteaneing to the said persewar in *anno* 1665 or therby being now 8 years since, 8 lambs and 8 fleices of woull with ther ofspring, price therof 50 lib. ; *item*, more tua wedder hoges quhich the said defender lost to the said persewar about 3 yeares since or therby, price and worth 4 lib. Scotts ; *item*, more ane gimmar and ane hoge quhich the said defender lost to the said persewar at Mihilmes last, price and worth 3 lib. 6 s. 8 d. ; *item*, more ane hog quhich the said defender lost to the said persewar in winter last, price and worth 30 s. Scotts ; *item*, more 15 s. Scotts for customes payed be the persewar for the defender in Lauder and ane harrow.' Defender denied all, and pursuer referred it to his oath, who being asked if he lost the sheep by negligence and evil herding or not, deponed negative to all but the ' gimar ' lost in winter last, for which the bailie modifies 36 s. with 4 s. expenses of plea, and absolves from the rest.

*Eodem die* decerns John Davidstone and John Sounhous, portioners of Blainslie, to pay to Mr. Thomas Byres, schoolmaster at Melrose, the following, viz. Davidson as

tenant to Mr. William Wallace of Elington of three husband lands there 4 l. 12 s. 6 d. for the pursuer's 'reader fie' from Martinmas 1667 to Martinmas 1672, and Sounhouse 24 s. for the pursuer's reader fee, 'from *anno* 1671' to Whitsunday 1673; because John Stirling there being asked what was their proportion declared in presence of the defenders that 'ilk land payed 6 s. 2 d. yearlie, and that Davidsonsone possesses 3 lands and Sounhous tua lands and ane halfe,' and they said nothing to the contrary.

*Eodem die* decerns William Andersone, merchant in Melrose, and James Milne there to pay to James Edgar, fiscal, 10 l. each, due by them to Robert Thorbrand and Walter Donaldsone their servitors and contained in decreet, 28 June last, at Edgar's instance against Thorbrand and Donaldson, and arreisted in defenders' hands; Edgar referred to Anderson's oath what he justly owed at time of arrestment, who refused to depone; and James Milne being absent was held as confessed.

Melrose, 19 July 1673; Mr. Robert Maine.

Which day decerns Robert Foga in Rone of Blainslies to pay to Jean Dicksonsone in Blainslie 3 l. 12 s. which Patrick Knox in Lauder barnes was owing to the pursuer, and the defender buying and receiving certain sheep from Knox in May 1673 became debtor to the pursuer. Defender alleged the pursuer passed from the bargain, who being sworn deponed negative, that she never passed from the bargain.

*Eodem die* decerns William Wallace, merchant in Melrose, and Peter Donaldsone his servant to pay to James Edgar, fiscal, 10 l. due by him to said Peter and arreisted in terms of decreet at the fiscal's instance against said Peter Donaldson; defender absent.

Melrose, 26 July 1673; Mr. Robert Maine.

Which day 'the baillie graunts the supplicatione given in to the court be David Broun of Park, *imprimis*, for 20 elnes



of linnen, *item*, 10 elnes of linsay woulnsay, *item* more 22 elnes of harden perteaneing to Beatrice Broun, *item* more 6 elnes of linnen for boordcloathes, *item* more 18 pound weight of wouln yearne unwarped, *item* more tua pocks, ane with ane full of wheitt and another with som oatmeill of bountath, *item* more for wairpeing aill 3 s. 4 d. for the wouln yearne and yet unwairped, all quhich was delyvered be him to John Halliwall, "Fair," weivar in Galtounsyde, and ordeanes Andro Mar to delyver the samyne to the supplicant; becaus Issobell Burnet his servitrix being present and suorne deponed positive conform to the supplicatione.'

*Eodem die* decerns John Wilsone in Longhaugh to pay to James Mein in Gallabarnes 46 l. Scots 'bought' [prob. borrowed] and received by him from the pursuer at Yule 1672; pursuer [*sic*] absent, decerns *juramenta actoris*.

Melrose, 2 August 1673; Mr. Robert Maine.

Which day decerns George Dewar in Wester Longlie to pay to James Hadden in Galashiels 4 l. 4 s. for certain iron and tar bought from pursuer seven years ago; defender absent, pursuer deponed.

Melrose, 9 August 1673; Mr. Robert Maine.

Which day decerns David Uns in Lessudden to pay to Adam Saidler in Galashiels 10 l. contained in a ticket for two bolls of oats, granted by defender to pursuer dated 23 March 1669, payable at Martinmas 1670; ticket produced, defender absent, decerns *juramenta actoris*; 22 s. expenses.

*Eodem die* decerns William Notman in Threipwood to pay to Robert Tutupe in Blainslie 50 s. for a ewe and a lamb 'quhich the defender had gressing to the said [persewer] at Witsonday last and lost the samyne'; defender absent; 5 s. expenses.

*Eodem die* decerns William Wilsone in Longhaugh to pay to Robert Blaikie in Hagburne 36 s. as modified price of a

ewe hog pertaining to the pursuer 'and bein in the said defenders custodie since Midsummer last,' or else to deliver the hog; defender absent, decerns '*juramenta actoris* that it had his mark'; 6 s. expenses.

*Eodem die* decerns John Hoy in Melrose to pay to George and Andrew Mertone there 4 l. 18 s. 8 d. for certain fruit bought from the pursuers about two years ago 'and for imping of tries and leik seid and a dayes work wrought be the persewars to the defender'; referred to defender's oath, who deferred to the pursuer's oath 'and that he come not cautioner for a woman in Jedburgh for 18 s. and that he promised the defender sould not be a loser of the bargain,' and the pursuer [*sic*] deponed negative as to the 18 s. 'and deponed positive to all the rest of the particulars conteaned in the lybill except that anent he sould not be a loser, and he knows not if he be a loser.' 14 s. expenses.

Melrose, 16 August 1673; Mr. Robert Maine.

Which day decerns William Turner in Ridpeth to pay to John Stoddart in Williamhope 300 merks as cautioner for James Burnleyes in Kaidslie against whom the pursuer had letters of caption, 20 March 1673, from the Lords of Council and Session for a debt of 63 l. principal, 10 merks expenses, and the interest, contained in Bond 27 June 1672 by Burnleyes to him, and 250 merks principal, 20 l. expenses, and interest, in Bond, 18 June 1672 by Burnleyes to him, both registered in Selkirk sheriff court books on 9 January last; and the said James being afraid of imprisonment, the defender came and agreed with pursuer that if he would forbear to apprehend Burnleyes and allow him to frequent the markets and fairs for selling his goods till midsummer thereafter, the defender would either pay the debts or present the debtor's person by 27 June, now past. Pursuer compeared personally, with James Edgar his procurator, who produced horning and caption, and defender compeared with John Bunzie his procurator, denied the libel and craved pursuer's oath of calumny, who deponed he had just cause to pursue; and pursuer

adduced Thomas Scott in Lowanshope and John Elliott in Year, who deponed they saw William Turner come to the Yaire and agree with pursuer as libelled for 300 merks and give him his hand thereupon, 'and for the other 50 merks he behooved to have longer tyme,' the witnesses being present with them.

*Eodem die* decerns John Kerr of Shaw to pay to Thomas Cochran, portioner of Newtoun, 4 l. for salt received by the defender and his servants at his direction from the pursuer at Lammas 1671, and 30 s. Scots 'for carieing in of his children to Edinburgh'; defender absent, pursuer deponed; 11 s. expenses.

*Eodem die* decerns James Leyes in Colmsliehill to pay to William Smyth, messenger at Lauder, 5 merks 'for ane oxegresse with the said defenders kyne in Colmsliehill which he sould have gressed in summer last 1673 upone conditione that the said persewar sould setle and agrie the said defendar with ane other man, quhich accordinglie the said persewar did, and quhen he sent his ox to the said defender to be gressed according to ther conditione the said defender absolutlie refoused and would not permitt the said persewers ox to remaine upone the ground.' Defender compeared with George Wallace his procurator, and confessed the same; 6 s. 8 d. expenses.

*Eodem die* decerns William Bowstoume, herd in Galtonside, to deliver to John Mein, maltman in Newsteid, 'ane yew lamb which wandered throw Tweid to Galtounsyde sheip in May last; becaus John Hownam, herd in Newsteid, being suorne deponed it was the persewers lamb.'

*Eodem die* decerns Andrew Halliwall in Kaidsliedoores to pay to James Fishar of Claikmae 3 l. 6 s. as balance of rent of a house possessed by defender about two years ago, and 17 s. 2 d. of borrowed money, and 12 l. as the agreed price of 2 bolls of oats bought from pursuer at Yule last, and 12 s. borrowed from pursuer about a month ago; defender confessed all; 40 s. expenses.

Melrose, 30 August 1673 ; Mr. Robert Main.

Which day decerns John Thorbrand, portioner of Lessuden, to receive as his vassal John Unse, tailor there, in a house and yard there, and John Unse to enter thereto and pay yearly 3 s. 4 d. of feu duty and 3 s. 4 d. for vicarage teind, doubling the same at his entry. Pursuer compearing by James Edgar his procurator produced his active title, whereby the bailie finds Unse holding of the pursuer for 3 s. 4 d. yearly and duplicand at entry of heirs.

Head Court, Melrose, 4 October 1673 ;

Mr. Robert Maine.

Which day John Sounhous, portioner of Blainslie, is decerned to pay to John Moriesone, servitor to Mr. James Daes of Coldonknowes, advocate, 12 l. 18 s. 8 d. disbursed by the pursuer for the defender, and for the pursuer's own pains in procuring caution, surety and lawborrows acted in the Books of Council and Session for the defender and several other persons against John Lythgow in Newhouses and other persons contained in the said act of caution dated 8 August 1672, conform to a particular account ; referred to defender's oath, who deferred to pursuer, who deponed positive ' and that the said defender promised payment to the said persewer at his aun house within this moneth or fyve weiks.'

*Eodem die* ' finds and declaires that John Bunzie, officer, hes committed ane maniest breach of his trust for suffering and permitting John Halliwall, Fair, delinquent, to goe up and down the streitts and to change houses wher he pleased, and imploying the said delinquent in the said defenders aun service by carieing of his maskingburne, and did intrust him with the venting of his aill, and key of the prisone door, and to fork Mark Blaikies cornes, and interteaneing ane saidled horse in his house all the night, quherupone the delinquent escaped, and that he is remissc and negligent in the executione of his said office, and therfoir discharges him from anie farder exercing of the samyne

and to be putt in the stocks dureing the baillies pleasure ; becaus the samyne was sufficientlie proven be the depositiones of severall famous witnesses and the defenders confessione, as the compleant given in be James Edgar, procurator fiscall, minutts and signatores of proces and depositiones of the saids witnesses and confessione of the said defender beares.'

*Eodem die* declares John Halliwall, 'Fair,' weaver in Galtonside, fugitive, and ordains all his moveable goods and gear to be escheat, and prohibits all persons within this regality to reset him night or day 'except they bring him to prisone for most unnaturallie strykeing and baitting of Aliesone Boustone his spouse with his hands and feitt upone the seventh day of July last, by quhich strokes shoe immediatlíe died, quherthrow he hes transgressed the law of God (Thow salt not kill) ; becaus John Bunzie, officer, declaired that he escaiped prisone this night and is gone, and therthrow hes taken the guilt upone him.'

Melrose, 11 October 1673 ; Mr. Robert Mainie.

Which day decerns Thomas Halliwall, weaver in Gal-tounsyde, and John Halliwall, fugitive, for his interest, to pay to Charles, Earl of Haddington, 12 l. 4 d. due by the defender 'at leist receaved be him from Andro Chisholme and others for goods sold perteaneing to the said John Halliwall,' arreisted in defender's hands for part payment to the Earl of 25 l. of principal and 2 l. expenses in decret at his instance against John Halliwall, 30 August last. The Earl compeared by James Edgar his procurator, who referred to defender's oath what he was justly owing at time of arrestment, who deponed as above.

*Eodem die* decerns Marion Wright, wife of Thomas Lukepe in Melrose, to pay to Janet Wallace, daughter of William Wright, weaver there, 40 s. and a pair of hose at 9 s., of fee and bounty for which the pursuer was to serve the defender from Whitsunday last to Martinmas next, and the defender without any just cause put the pursuer

away ; also 40 s. for the pursuer's wearing clothes, which the defender detains from her ; defender absent ; 12 s. expenses.

Melrose, 18 October 1673 ; Andrew Mar, *pro tem.*

Which day decerns Mr. John Lythgow, indweller in Ridpeth, and Isobel Scott his spouse, to flit and remove from the lands of Brierieshaw with houses, yards, and pertinents, lying 'within the shirrefdome of Dumfreise,' so that Walter Scott of Glaidswood may enter thereto and dispoine thereupon as he chooses. Pursuer compeared with George Wallace his procurator, who produced pursuer's instrument of sasine and precept of warning, and defenders compeared by William Lythgow their procurator, who craved a double of the summons but refused to find caution for the violent profits.

*Eodem die* decerns James Lindsay in Westhouses to pay to Andrew Mar, portioner of Galtonside, 22 l. as balance of price of malt bought from the pursuer ; defender absent ; 44 s. expenses.

Melrose, 25 October 1673 ; Andrew Mar.

Which day decerns Andrew Darleing, portioner of Apletieleives, to pay to Margaret Lythgow, wife of James Eillies of Huntliewood, 4 l. 13 s. 4 d. due by him to them conform to account ; referred to defender's oath, who deferred to pursuers, who deponed positive.

Melrose, 1 November 1673 ; Andrew Mar.

Which day decerns Alexander Dalgleish in Quarrellhill to pay to William Eckles in Newtoun, as becoming debtor to the pursuer at Candlemas last for Thomas Bichett, 6 l. 10 s. ; referred to defender's oath, who deferred to pursuer, who deponed positive ; 14 s. expenses.

*Eodem die* decerns John Clapertone in Longhaughe to pay to Thomas Wilkiesone, clerk of Melrose, 3 l. as the just

half of the agreed price of 6 l. for the plums in Longhaughe pertaining to the pursuer and Andrew Darleing, sold by the said Andrew to him, crop 1673, and intromitted with and away taken by the defender; defender absent; 7 s. expenses.

*Eodem die* decerns Andrew Cairncroce of Wester Longlie, and James Lindsay for his interest, to pay to Andrew Mar, portioner of Galtonside, 8 l. and a firloft of bear due by defender to Lindsay and arreisted in part payment to pursuer of 22 l. of principal and 44 s. expenses in decreet at pursuer's instance against Lindsay; because Andrew Kennedie, officer, produced a declaration subscribed by defender that he was justly owing as above.

Melrose, 8 November 1673; Mr. Robert Mainie.

Which day decerns Andrew Leyes in Woulplaw to pay to Robert Hislope in Hagburne 50 s. as the bounty of a harvest fee 'wrought be the persewer and his wife to the defender' in 1672; defender absent, pursuer deponed.

*Eodem die* decerns Thomas Blaikie in Longhaughe to pay to Thomas Weatherstone, herd in Housbyre, 30s. 'for ane halfe full of salt' and 18 s. 'for a corne peck full of salt'; defender absent.

*Eodem die* absolves George Wallace, notary in Melrose, from action by John Watstone in Eister Longlie for production of a Tack, 'maid betuixt the persewer and Robert Wright in Lawdopmoore of ane house and yeard there' for three years, deposited with the defender; because he produced the same.

*Eodem die* decerns George Dewar in Wester Longlie to pay to John Hislope in Galashiels 38 s. for cheese bought from pursuer about three years ago; defender absent.

*Eodem die* decerns William Mabone, weaver in Melrose, Thomas Drummond and James Mertone, to pay to James Waughe 4 l. 'for the persewers sone Robert Waugh his

for herding of the defenders goods in summer last'; defenders confessed; 12 s. expenses.

Melrose, 15 November 1673; Mr. Robert Maine.

Which day decerns Janet Scott, widow of James Sympsone in Darnick, to pay to James Sympsone in Eildoune 100 l. and 5 years' interest, being 56 s. yearly, *inde* 14 l. for 1669, 1670, 1671, 1672, and 1673, contained in Bond, 15 October 1661, by said deceased James Simpson to the pursuer; bond produced, referred to defender's oath as to her intromission, and this day assigned but defender absent.

*Eodem die* decerns George Moffet in Threipwood to pay to Archibald Moffitt there 8 l. for a boll of meal 'for quhich the said defender did sheir to the said persewer without meitt in harvest last'; referred to defender's oath, who deferred to pursuer, who deponed positive 'that the defender promised him payment soe soon as he maid use of his aun cornes.'

Melrose, 22 November 1673; Mr. Robert Maine.

Which day decerns Andrew Darling, portioner of Aplettrieleaves, to pay to John Hislope in Galashiels 2 l. 4 s. for cheese bought by defender from pursuer when his wife lay in her first childbed, and 27 s. for iron bought from pursuer about five years ago, deducting 6 s. for a full of oats received by pursuer from the defender's wife; referred to defender's oath, who deferred to pursuer, who deponed positive 'and denyed he gott anie grasse in compensatioun but the said full of oats'; superseding extract till pursuer finds caution.

*Eodem die* decerns James Scott in Longshawmilne to pay to Andrew Merser, maltman in Darnick, 30 s. as balance of malt bought from the pursuer about two years ago, and 16 s. as the modified price 'of a sheitt seek quherin the malt was receaved'; defender absent; 5 s. expenses.



*Eodem die* decerns Andrew Merser, 'Pooll,' portioner of Darnick, to pay to Stephen Mertone there 10 merks 'as the modified fie for the year that the defenders sone Andro Merser was to serve for meitt and fie to the persewer efter the expyreing of his prentiseshippe being in the prentices optione aither to tak or give the samyne'; referred to pursuer's oath, who deponed positive.

*Eodem die* decerns Thomas Blaikie in Longhaughe to pay to Thomas Darling, wright, portioner of Blainslie, 15 l. 13 s. 4 d. borrowed from deceased Thomas Darling, pursuer's father, and left in legacy to the pursuer conform to testament, 16 August 1662; which is produced, and defender absent; 30 s. expenses.

Melrose, 29 November 1673; Mr. Robert Maine.

Which day decerns William Bell in Galtonside, and Hew Ormstone in Blainslie for his interest, to pay to James Moffitt in Drygrange 21 l. Scots due by the said Hew to the pursuer and arreisted in defender's hands; William Bell confessed that Hew Ormstone 'hes ane ticket therfoir.'

*Eodem die* decerns Andrew Halliwall, donator to the escheat of John Halliwall, 'Fair,' weaver in Galtonside, to pay to Margaret Ormstone, daughter of deceased Thomas Ormstone, portioner there, 8 l. of fee for serving the said John Halliwall from Martinmas 1671 to Martinmas 1672; defender absent, pursuer deponed; 16 s. expenses.

*Eodem die* decerns the same to pay to Margaret and Isobel Ormstone, daughters of Robert Ormstone, portioner in Galtonside, 11 l. 10 s. of fee and 55 s. for half a boll of bear of bounty for shearing of the corns that grew on the lands in Gattonside now possessed by said Andrew Halliwall, and 12 s. for drink to his shearers received from their said father; defender absent, pursuers deponed; 32 s. expenses.

*Eodem die* decerns John Bunzie, weaver in Newsteid,

to pay to Charles, Earl of Haddington, 12 l. due by him to Adam Turnbull and arrested for payment to the Earl of the byrun maills and duties preceding Martinmas 1673; defender confessed.

*Eodem die* decerns the following to pay to Mr. John Summerwaill, minister at St. Boswells, viz. David Unse in Lessudden, for 3 firlots of bear at 7 l. the boll, 5 l. 5 s.; Thomas Unse, 'Goodluck,' there, for half a boll of bear, 3 l. 10 s.; George Gibsone there, for a firlot of oatmeal, three fulls of bear and a full of barley, 6 l. 14 s.; Michael Gibsone there, for a firlot of bear, 1 l. 15 s.; and Bessie Eistoun there, for a firlot of bear, 1 l. 15 s.; defenders all absent.

*Eodem die* decerns George Moffitt in Threipwood to pay to John Young there 10 l. as modified price of an ox of the pursuer's which the defender 'throw his negligence the day that it happened him to herd the beasts did lett droun in ane mosse holle'; proved by depositions of Andrew Achesone and Archibald Moffitt; 20 s. expenses.

Melrose, 6 December 1673; Mr. Robert Maine.

Which day action by James Moffitt in Drygrange against Robert Pringle of Blindlie, who was owing 15 l. of fee to Janet Merser, wife of William Moir in Duddingstoun, for services to the defender about ten years ago, and which debt the said Janet with her husband's consent assigned to the pursuer, 16 August 1673. Pursuer compearing by James Edgar his procurator, produced the assignation; and defender compearing personally, with George Wallace his procurator, denied both the service and the condition, or if such service was rendered 'it wes to his wyfe befor her decease,' who undoubtedly has paid therefor, and in any case the defender cannot be liable to pay his wife's debts as he was neither heir, executor nor intromitter with her goods and gear; and by an act of Parliament in King James VI.'s time all actions of debt for house maills, servant's fees, merchant

accounts, etc. not founded upon written obligations are prescribed within three years, otherwise the creditor can have no action except he prove the debt by writ or by oath of party. Pursuer referred to defender's oath, who being asked if he promised payment and offered a boll of bear to the pursuer's wife deponed that he promised a boll of bear to her 'upone ane assignatione to his sones debt, quhich the defender's wyfe refoused, and that he never promeised payment of the fie lybilled'; so absolves.

*Eodem die* decerns Andrew Merser *alias* Windie, portioner of Darnick, to pay to Thomas Bowie, portioner of Melrose, 58 s. 4 d. as balance of the maills and duties of certain yards in Darnick set by the pursuer to the defender these three years bygone at Whitsunday 1673; defender confessed; 6 s. expenses.

*Eodem die* absolves Alexander Weyman, tailor in Darnick, from action by Andrew Merser, 'Pooll,' portioner there, for 2 l. 10 s. for 'ane soumes grasse' set by him to defender in 1672; referred to defender's oath, who deponed negative.

*Eodem die* decerns John Wright, servitor to Andrew Mar, portioner of Galtonside, to pay to Andrew Chisholme, portioner of Darnick, 7 l. of fee, 36 s. for 2 ells of gray, 24 s. for hose and shoes, for which the defender was hired to serve the pursuer, Whitsunday to Martinmas 1673, but the defender did not enter home to the pursuer's service, who 'was frustrat of ane servant.' Defender absent.

*Eodem die* decerns Andrew Halliwall, donator to escheat of John Halliwall, Fair, weaver in Gattonside, to pay to James Laidlaw in Ridpethe 9 l. and half a boll of bear at 55 s. and a shirt at 20 s., and 24 s. for a pair of hose and shoes, as fee and bounty for serving said John Halliwall from Whitsunday last to Martinmas last; defender absent.

*Eodem die* decerns John Leitheid, portioner of Melrose,

to pay to Andrew Chishoime, portioner of Darnick, 4 l. 10 s. as balance of price of sheep bought from pursuer about a month ago ; defender absent, pursuer deponed.

*Eodem die* decerns Robert Mein *alias* Ranter in Galtonside to pay to John Sclaiter in Newsteid 11 l. 4 s. borrowed from the pursuer's deceased wife, Agnes Sklaiter, about three years ago, of which the defender promised payment since her death ; referred to defender's oath, who deferred to pursuer, who deponed positive.

*Eodem die* decerns John Wallace, son of William Wallace, portioner of Melrose, to pay to William Wright, smith in Galtounside, and Isobel Boustoun his spouse 40 s. for ale bought from the pursuer's wife ; defender absent.

*Eodem die* decerns Andrew Halliwall, donator to John Halliwall's escheat, to pay to Janet Halliwall ' the Nook ' there (in Gattonside) 6 l. of fee and 2 merks for a firloft of bear in bounty as balance of what said John Halliwall promised her for shearing his corn in harvest ; defender absent, pursuer deponed ; 16 s. expenses.

Melrose, 13 December 1673 ; Mr. Robert Maine.

Which day decerns James Ushar in Williamlaw to pay to John Fishar and Andrew Merser, maltmen in Darnick, 9 l. 16 s. for seed oats bought from them about March last ; defender absent, pursuers deponed ; 20 s. expenses.

*Eodem die* decerns Andrew Halliwall [donator as above] to pay to John Bunzie in Melrose and Isobel Lidderdale his wife 12 l. 7 s. 6 d. for 18 gallons 4 pints and a chopin of ale furnished by them to John Halliwall when he was in prison, and to pay to Thomas Bunzie, son of the said pursuers, 2 l. 14 s. for tobacco furnished by him to the prisoner ; defender absent, decerns upon the oaths of Isobel Lidderdaill and Thomas Bunzie ; 24 s. expenses of plea, ' and 6 s. to the said Thomas.'

*Eodem die* decerns Margaret and John Leitheid in Melrose to pay to John Halliwall, elder, maltman in

Gattonside, 7 l. 10 s. as balance of price of malt bought from pursuer about a year ago ; defenders absent ; 16 s. expenses.

*Eodem die* decerns Andrew Halliwall [donator as above] to pay to Archibald Frier, wright in Gattonside, 16 s. for 4 threaves of barley bear straw at 4 s. the threave, and 4 s. 6 d. of an old account, and 4 s. 'for ane muck graipe,' and 2 s. for 'a pare of hannes,' and 6 s. for half a pound of tobacco, and 12 s. for 'ane extrie to ane cairt,' and 8 s. 'for boddome rungs to ane cairt with the making up of the cairt bodie,' and 4 l. 'for the said John his wifes kist.' Defender absent, pursuer deponed, decerns 'for 6 l. 16 s. 10 d. of haille,' and 14 s. expenses.

*Eodem die* decerns the same to pay to John Wallace in Drygrange 10 l. of fee and 3 l. 4 s. of bounty for serving John Halliwall 'Fair' from Martinmas 1672 to Whitsunday 1673 ; defender 'presentt,' decerns *juramenta actoris* ; 30 s. expenses.

*Eodem die* decerns the same to pay to John Merse in Gattonside 21 l. 5 s. 8 d. of fee and 45 s. for 2 ells of gray, for service by the pursuer to John Halliwall ; defender 'could say nothing in the contrair' ; 2 l. 8 s. expenses.

*Eodem die* decerns James Fiergreive in Hagburne to pay to John Fisher and Andrew Merse, maltmen in Darnick, 7 l. for bear bought from the pursuers about May last ; defender absent, decerns upon the oath of John Fisher ; 16 s. expenses.

*Eodem die* decerns James Turnbull, portioner of Newtoun, to pay to John Penman, portioner of Melrose, 4 l. 13 s. 4 d. for a stone of lint bought from the pursuer two years ago, and 2 l. 14 s. for 'ane coat of gray and making therof' ; defender confessed, but alleged the term of payment 'was not yet come untill seid tyme,' which pursuer referred to his oath, who deferred to the pursuer, who deponed positive, 'that it wes at newcorne last by-past' ; 14 s. expenses.

*Eodem die* decerns Andrew Merser, 'Pooll,' portioner of Darnick, to pay to John Penman, portioner of Melrose, 8 l. for seed oats bought from the pursuer about March 1672; defender absent, pursuer deponed; 18 s. expenses.

Melrose, 20 December 1673; Mr. Robert Maine.

Which day decerns James Bouar, farmer in Eildon, to pay to James Bouer in Newmainse of Danzeltoun 10 l. for feu duty of half a husband land in Eildon pertaining to the pursuer and possessed by defender these three years past; also 4 l. 'for teilling of faughe'; 3 l. 7 s. 6 d. 'for kayne and cariadg'; in all 17 l. 7 s. 6 d. Scots; defender absent; 2 l. expenses.

*Eodem die* decerns the following to pay to James Bryden, son of Thomas Bryden, herd in Blainslie, and his father for his interest, viz. John Sounhouse, portioner of Blainslie, 1 l. 2 s., James Sounhous there, 18 s., James Greive, son of John Greive there, 1 l. 16 s., John Davidstone there, 2 l. 5 s., and John Darling there, 18 s., extending to 6 l. 19 s. of fee for herding their sheep in summer last; defenders all absent; 18 s. expenses.

*Eodem die* decerns Andrew Halliwall, donator to escheat of John Halliwall, 'Fair,' weaver in Gattonside, to pay to William Wallace, merchant in Melrose, 2 l. 15 s. 6 d. 'for the funeralls of Aliesone Boustoun, spouse to the said John Halliwall, delinquent, and other necessaries furnished be the persewer to the delinquent'; defender present, 'knew nothing of it,' decerns *juramenta actoris*; 6 s. expenses.

*Eodem die* decerns the same to pay to William Cuthberson in Cruikstone 7 l. of fee for serving John Halliwall from Whitsunday to Martinmas 1673; defender present, 'knowing nothing of it,' decerns *juramenta actoris*; 16 s. expenses.

*Eodem die* action by Charles, Earl of Haddington, heritable proprietor of the lands of Danzeltoun, and James Edgar, procurator fiscal of the regality of Melrose, for his

interest, against John Penman, portioner of Melrose, who in 1672 at his own hand and without license from the pursuer did 'break the ground of the saids lands of Danzeltoune, holk and win stones ther, intromet with the samyne and bring them away,' damnifying the pursuer to the extent of 100 l. Scots; and he ought also to be fined. James Edgar compearing for himself and as procurator for the Earl, and defender compearing personally, the pursuer adduced several witnesses, who all deponed negative, 'that they never saw the said defender holk, winn, intromet with and away take stones from of the ground of the saids lands'; so absolves.

Melrose, 27 December 1673; Mr. Robert Mainie.

Which day decerns James Patersone, heir to deceased James Patersone in Westhouses, to deliver to William Adamson, son and heir of deceased Andrew Adamson in Harpertoune, 'ane standing bed, ane pott and clipps, tua kists, ane meikle wheill, ane skaip, ane stand, ane tubb, ane cruik, ane pare of touns, ane trie stoup, and ane stooll, *ipsa corpora*, quhich wer the plenishing of his said umquhill father and wer left in the said defenders umquhill father his house.' James Waugh [*sic*] denied the whole claim, but pursuer proved same by depositions of William Mertone and Robert Sheill.

*Eodem die* decerns Thomas Milds, weaver in Galtonside, to pay to Andrew Halliwall, donator to escheat of John Halliwall, 'Fair,' weaver in Galtonside, 6 l. 'for working and teilling of ane aiker of land to James Leithan, for quhich the said defender become cautione to the said John Halliwall.' Defender confessed 'that he promised to sie it payed.'

*Eodem die* decerns James Patersone, heir to deceased James Patersone in Westhouses, to pay to Margaret Burne there 10 l. borrowed by defender's father from the pursuer; proved by William Mertone and Andrew Richie, witnesses; 26 s. expenses.

Melrose, 3 January 1674 ; Mr. Robert Maine.

Which day decerns James and Helen Kerr in Melrose to pay to John Mein, maltman, portioner of Newsteid, 8 l. 6 s. 8 d. paid by the pursuer for the defenders to Mr. Robert Main of Lochwood, contained in a subscribed account dated 5 December 1673 ; also 4 l. 1 s. 2 d. as balance of price of malt bought from the pursuer, also in a subscribed account dated 28 November 1673 ; accounts produced, defenders absent ; 28 s. expenses.

*Eodem die* decerns John and Margaret Leitheid in Melrose to pay to William Ker, bailie in Galashiels, 6 l. 8 s. for 8 fulls of malt bought from the pursuers last Michaelmas ; John Leitheid confessed.

*Eodem die* decerns John Fiergreive in Melrose to pay to John Cochran, herd in Chankwellhous, 2 l. of fee ' wrought be Marie Cochran, daughter to the said persewer, to the said defender from Mertinmas 1672 to Witsunday 1673 ' ; defender absent, decerns *juramenta actoris* ; 6 s. expenses.

*Eodem die* decerns William and Patrick Lukupe in Melrose to pay to Andrew Chisholm, portioner of Darnick, 55 s. each, due by them to John Leitheid in Melrose and arreisted at pursuer's instance ; defenders confessed.

Melrose, 10 January 1674 ; Mr. Robert Maine.

Which day decerns William Wallace, weaver in Melrose, and Janet Merseur his spouse, to pay to Andrew Halliwall, donator to escheat of John Halliwall, weaver in Gattonside, 6 l. 14 s. owing by them to said John and contained in an account left by him ; referred to defenders' oaths, who refused to depone ; 16 s. expenses.

*Eodem die* decerns Andrew Leyes in Wouplaw to pay to George Blaikie in Galashiels 5 l. as the balance of a greater sum, ' for quhich haill soum the said persewer gave him a discharge conditionally that the said defender sould pay him the said fyve pounds money forsaid ' ; referred to



defender's oath, who deferred to pursuer, who deponed positive ; 13 s. expenses.

*Eodem die* decerns William Wilsone in Longhaughe to pay to George Blakie, merchant in Galashiels, 4 l. 4 s. 'as the agried price of ane half pled bought and receaved be the defender from the persewer in John Patersones loft ther about Mihillmes last' ; defender absent, pursuer deponed ; 10 s. expenses.

*Eodem die* decerns Thomas Bryden, herd in Blainslie, to pay to Thomas Watstone there 2 l. 13 s. 4 d. for a firloft of oatmeal bought from pursuer at Lammas last ; defender absent, decerns 'upone the officers assertione.'

*Eodem die* decerns George Gibsone in Lessudden to pay to George Pringle there 4 l. 10 s. for a boll of teind oats, and 2 l. 6 s. 8 d. 'for teind wheat peise and viccaradge,' and 3 l. for 'the remain of beir,' and 14 s. 8 d. for carriages, extending to 10 l. 11 s. 8 d., crop and year 1672 ; defender confessed ; 20 s. expenses.

Melrose, 17 January 1674 ; Mr. Robert Mainie.

Which day decerns John Leitheid in Melrose and Margaret Leitheid his spouse to pay to Mark Kyll in Lessudden 11 l. 5 s. Scots as balance of price of 9 double fulls of malt bought from the pursuer about eight months ago ; defenders alleged the pursuer received 9 s. sterling, and referred to his oath, who declared they were justly owing him what is claimed ; 24 s. expenses.

*Eodem die* decerns James Waughe in Newmainse to pay to Thomas Halliwall, weaver in Gattonside, 7 l. 6 s. 8 d. promised by him to the pursuer 'for cureing of umquhill James Patersone, elder, weiver in Westhouses, his lege' ; defender confessed ; 18 s. expenses.

*Eodem die* decerns Thomas Uns in Lessudden to pay to George Pringle there 7 l. 10 s. for bear bought by the defender from Andrew Riddell, servitor to the pursuer,

which debt the said Andrew assigned to Pringle ; defender absent ; 10 s. expenses.

Melrose, 24 January 1674 ; Mr. Robert Maine.

Which day decerns George and Andrew Mertone, portioners of Melrose, to pay to Andrew Penman, portioner there, George the sum of 5 l. 1 s. for his part of the pursuer's fruit growing in his yard, and Andrew 5 l. 1 s. for his part thereof, bought by them from the pursuer in 1673 ; also the said George Merton is addebted to the pursuer 24 s. as the third part of 3 l. 12 s. due by William Crosart [*sic*] in Jedburgh to the pursuer and intromitted with by the defender ; *item*, more for the pursuer's ' horse cariadge ' to Jedburgh, 10 s. ; *item*, ' more for another cariadge fruit delyvered be the said persewer [to] Chrestin Turnbull in Jedburgh at the said George his directione, 10 s. Scotts ' ; extending to 7 l. 7 s. George Merton absent, held as confessed ; Andrew Merton present, confessed. 18 s. expenses payable by the former, 12 s. by the latter.

*Eodem die* decerns Robert Wright, smith in Ladopmoor, to pay to Andrew Lythgow, brother german to Alexander Lythgow of Drygrainge, 4 l. 10 s. of principal, disbursed by the pursuer for procuring a suspension at the pursuer's [*sic*] instance against Charles and Thomas Watson in Eister Longlie ; defender absent ; 10 s. expenses.

*Eodem die* action of declarator at instance of Charles, Earl of Haddington, as superior, against John Edgar, eldest lawful son and apparent heir of deceased James Edgar, younger, in Melrose, who was eldest lawful son of deceased John Edgar, portioner there, and his tutors and curators if any be, narrating that the pursuer and his predecessors and authors feued to the said John Edgar's predecessors and authors six acres of land in the Annay of Melrose for payment yearly of six bolls of bear between Yule and Candlemas and six capons at Pasch, with this condition that if two terms ran into a third unpaid the feu charter should lapse without need of declarator or process

of law, as is expressed in the Contract of feu between deceased Thomas, Earl of Haddington, and the whole feuars of the Annay of Melrose, dated 11 and 12 September and 3 October 1619. The defender has suffered three terms to run together unpaid, and so the pursuer ought to be decerned to enter and possess the said subjects. Pursuer compearing by James Edgar his procurator, and defenders absent, the bailie decerns conform to the summons.

Melrose, 31 January 1674 ; Mr. Robert Maine.

Which day decerns Patrick Lukupe, and John and Margaret Leitheid, for their interest, to pay to Margaret Lythgow, wife of James Eillies of Huntlywood, 5 l. principal and 12 s. expenses in decreet, 13 December 1673, at pursuer's instance against said John and Margaret, and arreisted in defender's hands ; defender confessed he was owing the same to them.

Melrose, 7 February 1674 ; Mr. Robert Maine.

Which day action by Marion Leyes, widow of James Clapertone in Darnick and now spouse to Andrew Merser 'Pooll' there, against James Clapertoun, son of said James, and co-executrix with said Marion confirmed to the defunct, for intromitting with the whole goods and gear and debts and refusing to reckon and pay to her her proportion thereof, and produce the testament. Pursuer, and her husband for his interest, compearing personally, with James Edgar their procurator, and the defender compearing personally, with John Bunzie his procurator, the latter declared that by consent of parties the goods and debts in the testament were referred to four neutral persons who chose an oversman and divided the same between the parties, and this was proved by Walter Ushar, John Fisher, maltman, Andrew Renneldsone, and Andrew Merser, merchant, portioners of Darnick, who all deponed positive that the testament was produced and they parted all the goods and gear equally between

the said pursuers and the said defender 'except ten hogs and the cornes to pay James Eillies of Huntliewood, and did take away all claiges, claimes and differences betuixt the saids parties, and that the saids parties promised they sould discharge ane another the weik efter, and alsoe that they saw the goods delyvered and that the saids parties gave ther hands one to another befor them that they sould stand to quhatsumever things the forsaid indifferant persones sould doe.' Absolves; 4 merks expenses.

*Eodem die* decerns George Pringle, portioner of Lessudden, to make forthcoming to John Coat there 'ane litle ruck of aits' pertaining to Janet Brotherstaines there and arreisted upon a registered Bond, dated 5 July 1673; defender confessed.

*Eodem die* decerns Thomas Huntar, younger, portioner of Lessuden, to pay to Mr. John Summerwaill, minister at St. Boswells, 13 l. 6 s. 8 d. for his teind oats, 1671 and 1672; defender absent; 28 s. expenses.

*Eodem die* decerns William Pringle in Blainslie to pay to Patrick Wallace there 6 l. for 4 sheep sold by the pursuer to him at Yule last, and absolves from the rest of the libel; because defender confessed the 6 l. and deponed there were several sums owing by the pursuer to him compensating the rest of the claim. 14 s. expenses.

*Eodem die* decerns Andrew Drummond in Darnick to pay to John Thomsone in Ridpeth 6 l. 4 s. borrowed by deceased John Drummond, his father, and as the balance of a greater sum contained in Bond by said John Drummond to the pursuer; also 2 l. 9 s. 2 d. paid out by the pursuer for the defender to the Earl of Haddington's chamberlain for a term's maill of the defender's two acres of land in Darnick called Lairdsland; and 18 s. for certain byrun maills. Referred to defender's oath, who deferred to pursuer, who deponed positive; 18 s. expenses.

Melrose, 14 February 1674 ; Andrew Mar, portioner of Gattonside, bailie-depute *pro tempore*.

Which day decerns Andrew Halliwall, donator to John Halliwall's escheat, to pay to Margaret Waughe, spouse to James Lamb in Melrose, 2 l. 2 s. 4 d. for meat and drink and other necessities furnished be the pursuers to the said John Halliwall in prison. Defender 'knew nothing of it' and referred to pursuer's oath, who deponed positive ; 6 s. expenses.

Melrose, 28 February 1674 ; Andrew Mar.

Which day complaint by Mr. John Lythgow, portioner of Ridpeth, against Thomas Turner, John Haitlie, James Mosse, John Andersone, John Thomsone, James Rodger, James Gairner, William Andersone, Thomas Watsone, William Turner, Thomas Milne, John Cairncroce, John Broun, farmer, John Cairncroce, 'Hellens John,' Andrew Cairncroce, Alexander Govenlock, John Sheill, John Mein, George Christie, William Bell, John Thomsone, and John Huntar, indwellers in Ridpeth, who daily without his license cut down and remove the pursuer's growing timber and broom on his lands in Ridpeth, to the extent of 100 l. damage. The bailie prohibits them 'from any farder wronging his timber and broom,' under the penalty of 6 s. 8 d. for each transgression, 'by and attour the pryce of the timber soe taken away.' Several of the defenders compearing consented, and those absent were held as confessed.

Melrose, 7 March 1674 ; Andrew Mar.

Which day decerns James Mein in Eildon to pay to Alison and Marion Mein, only children of deceased Thomas Mein, portioner of Eildon, and John Miln and Thomas Mein, their tutors, 48 l. contained in Agreement between the parties, 21 February 1674, produced by both parties in order that decret might be interponed ; and George

Wallace, procurator for the pursuers, took instruments that the agreement should not prejudice the pursuers 'of any lands or others belonging to ther said umquhill father and quherin he died last vest infest and seased.'

*Eodem die* decerns James Bulman, indweller in Cames-toun, to pay to John Whyte there 7 l. 13 s. 4 d. for a harvest fee wrought for by the pursuer to the defender in harvest 1673, and 3 s. per day for nine days' work about Michaelmas last, and 18 s. for casting divots, and 8 s. 'for casting of turfs and a load of peitts and a copfull of hempseid,' and 4 s. 'for casting winning and laying one the divots one the defenders house,' and 12 s. 'for ane axe borrowed be the defender from the persewer and undelyvered again'; total, 11 l. 2 s. 4 d. Defender absent, pursuer deponed; 26 s. expenses.

*Eodem die* decerns George Mein in Galtounsye to pay to Andrew Mar,<sup>1</sup> portioner there, 3 l. 15 s. for half a boll of bear due to the pursuer; defender absent, held as confessed.

*Eodem die* action by John Uns, tailor in Lessudden, against John Thorbrand, portioner there, and Katherine Riddell, his mother, narrating that the pursuer 'hes ane house and yeard holden of the said defender be vertew of ane dispositione maid and graunted be Walter Uns, somtyme in Neucastle, to the said persewer, for yeirly payment to the said John Thorbrand, defender, of the soum of 3 s. 4 d. Scots money of few deuty yeirly'; and whereas the pursuer has made payment to the defenders of this feuduty yearly preceding Martinmas 1673, they refuse to grant him discharges therefor. The pursuer compearing personally, with John Bunzie his procurator, and the defenders compearing personally, with William Lythgow and James Edgar their procurators, the pursuer's procurator produced the following writs for instructing the process:—1. Disposition by James Huntar, weaver in Lessudden, with consent of John Thorbrand called of

<sup>1</sup> This would make the bailie both judge and party.

the Kill there, his immediate superior, to Walter Uns there, and his heirs and assignees, of that little house and yard adjacent thereto sometime pertaining to deceased Mungo Thorbrand there, for yearly payment of 40 d. to the said John Thorbrand; dated 24 January 1624; 2. Sasine of Walter Uns thereupon, 11 February 1624; 3. Disposition by said Walter Uns to the pursuer, of the same, 4 April 1642; 4. Discharge by James Thorbrand to the pursuer, 17 May 1645. The pursuer is ordained to produce his active title to the house and yard, and give his oath of calumny, both which he did, and offered to prove payment of the feu-duty, and at the third term of probation in place of further proof referred the same to the defender's oaths, who deferred to the pursuer 'whither or noe he payed the few lybilled to her since her husbands deathe preceeding Mertimes 1673,' who deponed positive and that he is owing to the defenders only 3 s. 4 d. preceding that term. The bailie ordains the defenders to grant a sufficient and formal discharge for all terms preceding Martinmas 1672, and absolves the pursuer from further liability for bygoness.

Melrose, 21 March 1674; Mr. Robert Main.

Which day decerns John Greive, portioner of Blainslie, and Bessie Pringle there, to pay to James Fishar of Clackmae, the former 2 l. 8 s. as balance of a greater sum for the maill of his lands in Blainslie 'except a quarter of land,' and the latter 7 l. for the said quarter of land, crop 1673; defenders absent; 12 s. expenses by Greive, 20 s. by Pringle.

*Eodem die* decerns James Smyth, herd in Sorrolsefeld, to pay to James Fishar of Claikmae 19 l. as balance of price of 10 ewes bought from pursuer at Whitsunday last; defender absent, decerns on the officer's assertion of the defender's confession; 3 l. expenses.

*Eodem die* decerns Andrew Cairncroce of Wester Longlie to pay to Mr. Thomas Byris, schoolmaster at Melrose,

18 s. for the pursuer's reader fee, 1672, and 2 l. 18 s. for 1673; defender absent; 10 s. expenses.

*Eodem die* decerns William Livingstone, sometime in M'Mirrie, now in Blainslie, to pay to James Tulie in Ersilton 6 l. 18 s. 4 d. of principal and expenses contained in Decreet before the Commissary of Lauder, 12 March 1672, 'he being now within the said regality and without the said comisariot.' Defender alleged payment made, and referred to pursuer's oath, who deponed negative; 18 s. expenses.

*Eodem die* action by Michael Gibsone, flesher in Melrose, against James Waugh in Newmainse, narrating a bargain between them 'for the number of thriescoir sheip, and the said defender sould have delyvered the same to the persewer upone demand, the said persewar paying the said defender for the first ten at the delyverie of the second ten, and sould have done untill the delyverie of the last ten, and notwithstanding of the said defender his promise maid to the said persewer, quhen the persewar sent for ten of the said defenders sheip and the persewar payed the said defender for bygones he refoused to delyver anie to the said persewar, quhich sheip that was undelyvered the said persewar might have maid seall of long befoir now, quhich is to the said persewar his great prejudice and skaithe, quherby he was damnified in the soun of 4 lib. Scotts for each day of sex mercat dayes in Gallasheills and Melrois quher he intended to have killed and vented the same in'; and not content herewith, the defender did maliciously obtain an arreistment of all debts owing to the pursuer in the toun of Melrose 'both for fleshing and other things quhich wer and are undelyvered be the persewar, and siclyke caused arreist 23 sheip that was bought be the said persewar from the said defender quhich wer and are undelyvered be the defender to the persewer and are still in the said defender his custodie in the lands and ground of Danzeltone, quhich the said defender cannot deny, quhich are to the said persewer his great prejudice, losse and skaithe,



and to his uter wreake and ruine, the lyke quherof was never practised heirtofoir'; and though often desired thereto, the defender refuses to deliver the sheep and loose the arreistments. Pursuer compearing personally, with George Wallace his procurator, and defender compearing, with James Edgar his procurator, the latter denied the claim 'as it is most wickedly lybilled and persewed,' as he never refused to deliver 20 sheep upon payment of the first 10, and he never arreisted any sums, though he had just cause, the pursuer having received 20 sheep that he has not paid for; and craves the pursuer's oath of calumny. The pursuer denies that he received 'tuentie sheip, ten efter ten, conform to the last conditione maid betuixt the said persewer and the said defendar in presence of the said baillzie in the place of Melrois and in presence of George Blaikie, officer, and James Leithan in Galtounsye, about the tuentie sext day of December last'; and will give his oath of calumny if the defender swears he requires it not out of malice but to discover the truth. The bailie refers to pursuer's oath whether or not he has received 19 sheep unpaid for, who depones 'he only had received 7 sheip of the 19 sheip, and that he nor never anie for him receaved any from the said defender or frae any others in his name but only seven.' The bailie ordains the pursuer to pay to the defender 9 l. 12 s. resting of the price of 7 sheep at 37 s. apiece, and absolves from the rest.

Melrose, 11 April 1674; Mr. Robert Maine.

Which day absolves Robert Blaikie in Butterholl from action by George Pringle in Ersiltoun, narrating that the defender, while herd to the pursuer from Whitsunday 1671 to Whitsunday 1672 when the pursuer dwelt in Colmsliehill, through his negligence lost to the pursuer seven old sheep, at 2 l. 13 s. 4 d. the piece, extending to 18 l. 13 s. 4 d.; referred to defender's oath, who deponed negative 'that ever the persewar delyvered anie sheip to him or that he lost any.' Absolves.

*Eodem die* action by James Mein in Coldonknowesbyres against Robert Bunzie, mason in Newsteid, whom he warned at Pasch 1672 to remove at Whitsunday 1672, but who finding that the pursuer would prevail in his action came and agreed with him 'for the houses and yeards in Neusteid' for the year, Whitsunday 1672 to Whitsunday 1673, promising 12 l. at Candlemas 1673; and as yet he refuses to pay this sum. Pursuer compearing, with James Edgar his procurator, and defender compearing by George Wallace his procurator, the former produced the pursuer's sasine in the said subjects and his precept of warning. The defender denies taking the house, but asserts that the pursuer took off the locks of the doors and put on and locked up the houses with others, 'and kept therin severall plenishing belonging to the said defendar, quherthrow he was necessitat to take another house at the said tyme to his prejudice.' The defender in place of further probation referred this to pursuer's oath, who deponed negative as to taking off and putting on the locks and keeping the plenishing; so the bailie decerns the defender to pay 12 l. of maill and duty as claimed; and 36 s. expenses of plea.

Melrose, 18 April 1674; Mr. Robert Mainie.

Which day decerns Alexander Trotter of Easter Housbyre to pay to John Mein, maltman, portioner of Newsteid, 54 s. as the balance of two dollars borrowed from the pursuer about two years ago; reserving action to the defender against the pursuer *pro ut de jure* for anything he disbursed for him. Defender confessed; 6 s. expenses.

*Eodem die* decerns John Scott in Gattonside to pay to Walter Scott of Gladswood 12 l. 15 s. for six firlots of wheat, at 8 l. 10 s. the boll; defender confessed; 30 s. expenses.

*Eodem die* decerns George Rolmainhouse in Blainslie to pay to John Thin, portioner there, 12 l. 2 s. 8 d. borrowed from pursuer about a year ago; defender absent, decerns

on the officer's assertion of defender's confession ; 36 s. expenses.

*Eodem die* decerns Thomas Huntar, merchant in Melrose, to deliver to Alexander Maxwell, portioner of Melrose, and John Maxwell, his brother and factor, for his interest, 2 bolls of bear at 7 l. 6 s. 8 d. the boll ; because the defender alleged he passed from the bargain, and adduced William Andersone and George Blaikie, officer, who deponed negative to the exception.

*Eodem die* absolves John Mein, maltman, portioner of Newsteid, from action by Robert Trotter, elder, portioner there, and Barbara Eillies his spouse, for 8 l. as balance of a greater sum 'faithfully promitted be him to the said Robert Trotter persewer for subscriyveing and consenting to ane woodsett right of some lands in Newsteid graunted be John Trotter, sone to the said persewer, in favors of the said John Mein' ; referred to defender's oath, who deponed negative 'except the annualrent of 100 lib. a yeir quihich the persewer got therfoir.'

*Eodem die* decerns James Lamb in Melrose and Margaret Waugh his spouse to pay to Thomas Huntar, merchant there, 4 l. for half a boll of bear bought from the pursuer about a month ago ; referred to defenders' oaths, who deferred to pursuer, who deponed 'he sold it to the said defender as he did to others and that he got 8 lib. fra William Wallace and John Ker for it.' 4 s. expenses.

Melrose, 25 April 1674 ; Mr. Robert Maine.

Which day complaint by James and Nicol Bouar, portioners of Eildon, against John Vair, John Sklaiter, James Mein, John Quarrie, Thomas Mein, Robert Sklaiter, James Mein, Andrew Mein, George Lourie, James Robsone, Bartholomew Mein, James Bouar, farmer, Robert Leithan, Robert Midlemes, James Caldwalles, and — heirs of deceased James Huntar, portioner there, who 'dayly pasture and make rodds through the saids James and

Nicoll Bouares ther yeards in the said toun of Eildoun and break doun ther timber grouand therin and dykes diged about the samein.' Pursuers compearing personally, the defenders compeared by the said John Sklaiter and Thomas Mein, 'whoe alledged the saids compleaners dykes are not fenseible'; so the bailie ordained John Mein and John Miln, officers, to visit the dykes and yards and settle parties if possible, and report, who this day gave in their report dated 20th April 1674 that they went to the dykes and yards controverted between James and Nicol Bower 'and the rest of the toun of Eildoune' and found 'the yeards pastured and roded, quhilk aught not to be, and we find that James Bouar aught to keip ane herduall dyk.' The bailie grants 'ane act to the saids compleaners against all that sall pasture rodd or gaitt the yeards in all tyme heirefter for 6 s. 8 d. for ilk transgression, they allwayes keeping ther dykes herdwall as ther nighboures doth.'

Melrose, 2 May 1674; Andrew Mar, *pro tem.*

Which day decerns James Laidlaw, sometime servitor to John Andersone, portioner of Ridpeth, and Alexander Anderson his brother, to pay to the said John and Alexander Anderson 6 s. for each day's absence 'for the space of ten dayes that he was out of ther service, and to enter home to them this night, or otherwayes to make payment to the saids persewers of the soum of 9 lib. Scotts of fie, ane new shirt pryce 13 s. 4 d., tua elnes of gray 2 l. 8 s., more ane par of stockings 12 s. and ane pare of shoes 12 s. of fie for quhich the said defender sould have served the said persewers from Mertimes last to Witsonday nixt, and of nyne shilling awand to the persewers wyfe for certane drink'; and absolves him from the rest of the libel. Defender alleged the said John Andersone 'putt him away by his shoulders,' and referred to his oath, who deponed 'the defender being loud with his fater he putt him to the door and bad him speik what he lyked.'

*Eodem die* decerns Marion Trotter, widow of William Tait in Williamlaw, and James Usher there, each to pay to Peter Frater, merchant burgess of Edinburgh, 12 lib. Scots for two loads of tar bought by them from the pursuer on 6 August 1672; defenders absent; 33 s. 4 d. expenses off each of them.

*Eodem die* decerns John Winter, weaver in Galtonsyde, to pay to James Rodger, cordiner in Ridpeth, 44 s. for a meikle full of bear; defender absent, pursuer deponed.

Head Court, Melrose, 9 May 1674; Andrew Mar.

Which day decerns Alexander Dagleish in Quarrellhill to pay to William Mein, smith in Newsteid, 3 l. of fee for half a year's service, wrought by John Mein, the pursuer's brother, from Whitsunday to Martinmas 1673; defender absent, pursuer deponed.

Melrose, 23 May 1674; Mr. Robert Maine.

Which day decerns James Murray in Bridgend to pay to Walter Chisholm, merchant burgess of Selkirk, 3 l. 7 s. 8 d. for lint and tobacco bought from the pursuer at Martinmas last; defender absent, decerns on Andrew Chisholm the officer's assertion of defender's confession; 10 s. expenses.

*Eodem die* absolves George Pringle in Lessudden from action by George Flaebairne in Ersiltoun, narrating that the defender and James Pringle his father bargained with pursuer for 10 bolls of bear at 6 l. the boll, whereof the pursuer received only six bolls; referred to defender's oath, who deponed 'he sold the said persewar ten boalls if he had it, but was to delyver noe more nor he had, and deponed ther was noe more in the stack but that quhich was delyvered, and that he never promised to make upe ten boalles to the persewer.'

*Eodem die* decerns Thomas and Andrew Lukup in Melrose, and John Kerr of Shaw, for his interest, to pay to Thomas Cochran, portioner of Newtoun, 5 l. 10 s. of principal and 11 s. expenses contained in decreet at pursuer's instance against Ker, 16 August 1673, and arreisted in their hands; defenders refused to depone, ‘but confest they wer awand something to the said John Ker.’

Melrose, 30 May 1674; Mr. Robert Maine.

Which day decerns Marion Trotter in Williamlaw, and Andrew Drummond in Darnick for his interest, to pay to John Thomson in Ridpeth 8 l. 13 s. 4 d. of principal and 18 s. expenses in decreet, 7 February last, at pursuer's instance against Drummond, and arreisted in defender's hands; defender absent, decerns on assertion of Andrew Kennedy, officer.

*Eodem die* decerns Harry Wallace, smith in Melrose, to pay to James and Andrew Bunzie, weavers in Newsteid, 3 l. 5 s. for ‘weiver work’ wrought by them to him about two years ago; referred to defender's oath [*sic*], and Andrew Bunzie, pursuer, deponed positive; 6 s. 8 d. expenses.

*Eodem die* decerns Andrew Halliwall, donator to escheat of John Halliwall, to relieve Andrew Mar, portioner of Gattonside, of the sum of 6 l. as price of a boll of bear bought by said John on 1st July last ‘for quhich and for ane seek pryce and worth 40 s. James Steuart, fleshar in Kelsoe, becom cautione and obteaned ane decreitt against the said persewer as alledgitt intromitter with his said beir, with 40 s. of expenses of pley, befor the comisar of Peibles and his deputts upone the 22 day of May instant.’ Pursuer produced decreet and charge.

‘*Eodem die*, In presence of Mr. Robert Maine of Lochwood, baillyie deputt of the regalitie of Melrois, commissioner nominated and appoynted be the commissares of Edinbrugh for takeing and receiving of the oathes of Andro, Thomas, David and James Lythgowes, lauffull

sones to umquhill James Lythgow of Drygrainge, in the actione and cause persewed be John Lythgow, wryter in Edinburgh, ane of the executors confirmed to the said umquhill James Lythgow, and as factor for the remanent executors confirmed to him, against John Rodger, wryter in Edinburgh, in the quhich actione the said John Rodger compeired with Mr. David Gray his procurator, by quhom it was alledged for the part of the said John Rodger, defender, that he aught to have retentione of the soun of fiftie pounds dew be the said deceist James Lythgow to him, quhich the saids John, Andro, William, David and James Lythgowes, executors forsaid to ther said umquhill father since his deceis acknowledged to be trew and promised payment, conform to the said commissione direct be the saids comisares of the dait the tuentie day of May instant : Compeired personally the said John Lythgow for himselfe and as procurator for the remanent executors, compeired personally the said Thomas Lythgow, *ætatis* [sic] married and being solemnlie sworne upone his great oath of veritie and interrogatt if the said John Rodger sould have retentione of the forsaid soun of fiftie pounds dew be the said umquhill James Lythgow his father to the said John Rodger and quhich he and the forsaid executors since ther said umquhill fathers deceise had acknowledged to be trew and promised payment, deponed negative ; David Lythgow, present, *ætatis* 16, present, sworne and interrogat *ut supra* deponed negative, that he knowes nothing of it ; James Lythgow, present, *ætatis* 15, sworne and interrogat *ut supra* deponed negative ; and that this is the truith as they sall answer to God.'

*Eodem die* decerns Thomas Hunter, merchant in Melrose, to pay to Margaret Wauch, wife of James Lamb there, 1 l. 9 s. 6 d. for meat and drink furnished to him ; defender denied, it is referred to his oath, who deferred to pursuer, who deponed positive.

*Eodem die* decerns Robert Haden in Butterholl, tenant to John Leyes in Whitle, to pay to John Hislope, merchant in Galashiels, 5 l. for lint and other merchandise bought

from the pursuer about three years ago ; defender absent, pursuer deponed ; 18 s. expenses.

*Eodem die* absolves Thomas Darling in Blainslie from action by Andrew Fisher of Wester Housbyre, narrating that Fisher sold his corn, crop 1672, to the defender and others, he granting a disposition to them and they giving bond for the money, at payment whereof the bond was to be delivered up to them, and the defender was to give up the disposition. Referred to defender's oath, who deponed he has the disposition and gave it to his copartners, and being asked if he promised to give it up to the pursuer when he gave up the bond, deponed he was content to give it up if his copartners consented and not otherwise. The bailie finds this does not prove the libel, and absolves.

*Eodem die* absolves Thomas Watsons, portioner of Blainslie, from action by Andrew Fisher of Wester Housbyre, narrating that in February last the defender sold to him 2 bolls of malt at 7 l. 13 s. 4 d. the boll, and delivered one shortly thereafter, and was to deliver the other before 1st March thereafter. The defender 'took instruments he consigned the pryce of the forsaid boalls and proved the samen sufficientlie be the depositione of severall famous witnesses.'

Melrose, 6 June 1674 ; Mr. Robert Maine.

Which day decerns John Coat, Eister, in Lessudden, to pay to George Pringle there 10 l. modified for a boll of seed bear due to the pursuer, or otherwise the bear itself ; referred to defender's oath if he promised payment, who refused to depone.

*Eodem die* decerns James Usher in Williamlaw to pay to Thomas Haistie, burgess of Selkirk, 7 l. for a boll of bear bought from the pursuer in May 1673 ; defender confessed.

*Eodem die* decerns Andrew Darling, portioner of Aplettrie-leives, James Darling his brother there, and Andrew



Moffitt there, to pay to Mr. Thomas Byres, schoolmaster at Melrose, 3 l. 11 s. for his reader fee, Martinmas 1672 to Martinmas 1673; defenders absent.

*Eodem die* decerns Francis Scott of Longshaw to pay to George Blaikie, portioner of Melrose, 60 l. 'of liquidat penultie incurred be Margaret Blaikie in Burnbrae as partie faillzear to be payed to the said persewer as partie observer, conteaned in ane registratt minuttet Agreement betuixt the said Georg and Margaret Blaikies on the ane and other parts,' and arreisted in the defender's hands; defender absent.

*Eodem die* decerns Robert Forsan in Newsteid and Rachel Duncan his wife to pay to Margaret Duncan, wife of John Mein, smith in Ridpeth, 12 l. as balance of 25 l. left in legacy to the pursuer by deceased Patrick Duncan, cooper in Edinburgh, contained in his Testament, 15 July 1662; of which the defenders offered to prove payment, but succumbed; 30 s. expenses.

*Eodem die* decerns William Fishar in Sorrolesfeild to pay to George Hey in Glaidswood 25 s. of fee preceding Whitsunday 1673, and six quarters of gray at 1 l. 10 s., and 3 l. due by Mr. James Daes, advocate, to the pursuer, for which the defender became debtor; referred to defender's oath, who refused to depone.

*Eodem die* decerns Robert Bunzie, mason in Newsteid, and John Bunzie his brother, for his interest, to make forthcoming to Alison Bunzie, widow of James Mein *alias* Tounheid, portioner there, and James, John, Thomas, William and Janet Mein, her lawful children, the annual-rent of 100 l. Scots payable out of the houses which the said Robert possesses, conform to Bond by the said John Bunzie thereanent. John Bunzie was content, and confessed that the houses were set with the burden of the said annualrent; defender absent; 14 s. expenses.

*Eodem die* absolves George Moffitt in Threipwood from action by Helen Ker, indweller in Melrose, for 3 l. for

sugar and other necessities furnished by the pursuer to deceased Agnes Hoy, the defender's wife, and the defender 'is justlie restand to the persewer sex pittiecoatts, ane pare of plaids, ane gouen, fyve shirts, fyve buskings of heidcloathes, and tua pare of sleives, ane grein apron and ane linnen aprone, left and promitted be the said umquhill Agnes one her death bed to the persewar'; referred to defender's oath, who deponed negative.

*Eodem die* action by Alexander Maxwell, portioner of Melrose, against Helen Ker there, for 22 l. as a year's maill and duty for his tenement and yard in Melrose possessed by her, Whitsunday 1673 to Whitsunday 1674, payable twice yearly; but she refuses to pay. Pursuer compearing by James Edgar his procurator, and defender ccompearing by George Wallace her procurator, defences repelled, and libel admitted to pursuer's probation, who referred to defender's oath, who deponed negative 'that shee aither took a house from the persewer or promised him payment of the maill lybilled'; so absolves.

Melrose, 13 June 1674; Mr. Robert Maine.

Which day decerns James Usher in Williamlaw to pay to Andrew Mar, portioner of Galtonside, 7 l. 10 s. for half a boll of bear bought from the pursuer on 6th June instant; defender confessed; 15 s. expenses.

*Eodem die* decerns Robert Ormstone, portioner of Galtonside, and Agnes Darleing his spouse, to pay to Andrew Mar, portioner of Gattonside, 5 l. 12 s. as balance of price of malt bought by them from him about Candlemas last; defender [*sic*] compeared and confessed; 13 s. expenses.

*Eodem die* decerns Andrew Mar, portioner of Galtonside, to pay to Andrew Chisholme '8 lib. 30 s.' [*sic*] for a firLOT of bear and a pair of old hose due by him to John Wright his servant and arreisted at pursuer's instance for payment

of 10 l. principal and 20 s. expenses in decreet, 6 December 1673, against Wright; superseding execution till 1 September next. Referred to defender's oath, 'whoe deponed positive.'

*Eodem die* decerns James Usher in Williamlaw to pay to James Waugh in Newmainse 95 merks as the price of '23 gimmares and ane outcomed hog' sold by the defender to the pursuer between Yule and Candlemas, to be delivered at Beltane last, wherein the defender failed; modified 4 merks for 'ilk gimmer and dunmond, and 40 s. for the hogg.' Referred to defender's oath, who refused to depone; 10 merks expenses.

Melrose, 20 June 1674; Mr. Robert Maine.

Which day decerns John Lyes in Whitlee, and Robert Haden in Butterholl, for his interest, to pay to John Hislope, merchant in Galashiels, 5 l. of principal and 18 s. expenses in decreet, 30 May 1674, at pursuer's instance against Haden, and arreisted in defender's hands; defender confessed 'a bed and cloathes was in his hands the tyme of the arreistment.'

*Eodem die* decerns Robert Ormstone in Coblehouse and Robert Mertone there, in whose hands arreistment was made, and Robert and George Pringles of Blindlie for their interests, to pay to Charles, Earl of Haddington, and Mr. Robert Maine of Lochwood his factor 40 merks, in part payment to the Earl of a sum contained in decreet, 15 November 1673, and arreisted in defender's hands; defender [Ormstone] deponed he was owing 60 l. at the time of arreistment, 'and gave 50 merks for reparatiene of the boatts and houses.'

*Eodem die* decerns John Scott in Galtonside to give bond to Robert Wright in Ladopmoore for 21 l. for 3 bolls of oats bought from pursuer, payable at Martinmas next; referred to defender's oath, who refused to depone.

*Eodem die* decerns Thomas Wilkiesone, clerk of Melrose, to exhibit and deliver to James Bunzie, weaver in Newsteid, a Disposition, 29 January 1674, by John Broun, portioner there, 'of that yeard called Yonder yeard in Newsteid' with pertinents; and decerns said John Broune to give up a bond granted by the pursuer to him for 100 l. and accept of a bond for 100 merks dated as the Disposition and deposited with the clerk, and at his own expense to enter James Bunzie to the foresaid yard; 'because the said persewer proved the lybill sufficientlie by the depositiones of severall famous witnesses.'

Melrose, 11 July 1674; Andrew Mar, *pro tem.*

Which day decerns Robert Ormstone in Coblehouse to pay to George Blaikie, officer, 3 l. 13 s. 4 d. contained in a Precept subscribed by George Pringle of Blindlie 'to be payed of the forend of the coble mailles,' dated 26 June 1674, the pursuer always obtaining the consent of the Earl of Haddington or his factors, who arreisted the same; defender content therewith.

*Eodem die* complaint by George Pringle of Buckholme against James Edgar, portioner of Melrose, James Milne there, and Patrick Lukepe, portioner there, burlyaymen, for themselves and on behalf of the remanent inhabitants of Melrose and Danzeltoun, narrating act of neighbourhood obtained 11 October 1662 in the regality court against the foresaid inhabitants of Melrose and Danzelton 'beiring that quhatsoever persone or persones, horse, nolt or other beists sould be apprehended thereafter be the said George Pringle or any others in his name pastureing ther within his orchyeard eateing or carieing away his fruit or his fruit tries therin, to poynd and detein the samen persone and beast untill the said persone and auner of the said beist pay 6 s. 8 d. Scotts money for everie tyme and faillyie that they sould be apprehended *toties quoties* at ther oun hands without any farder warrand'; and the complainer desired this act to be ratified. James

Edgar compearing for himself, and in name foresaid made no relevant objections, therefore the bailie interpones his decret and authority to the said act.

Melrose, 18 July 1674 ; Andrew Mar.

Which day decerns Andrew Cairncroce of Wester Longlie to pay to John Kerr in Melrose 31 l. of fee for four and a half years' service wrought by him, and 3 ells of gray at 16 s. the ell, and 2 shirts at 30 s., and 2 pairs of hose at 18 s., as bounty for the last year of the said service ; defender absent, pursuer deponed ; 4 l. expenses.

*Eodem die* decerns James Bouer, farmer in Eildon, to pay to John Mein, portioner of Newsteid, assignee of Janet Mein, widow of Alexander Usher, portioner of Melrose, 11 l. and 9 half firlots of bear, crop 1674, as balance of maill and duty of said Janet Mein's houses and yards in Eildoun, 'being possest be the said James these thrie yeirs bypast at Witsonday last' ; defender absent.

*Eodem die* action by Ephraim Wilkiesone in Lauder against Walter Cairncroce, fiar of Allanshaws, narrating that in September 1668 William Smyth, messenger in Lauder, was addebted to the pursuer 400 merks as balance of price of a tenement in Lauder bought by him from the pursuer ; and as Cairncross owed to Smyth 180 l. Scots of principal and 2 years' interest, he became debtor to the pursuer for the same and the interest thereof during nonpayment, and he has since renewed his promise in James Wood's house in Lauder before Oliver Sinclair and the said James Wood, and in John Hendersone's house in Lauder before the said Oliver Sinclair and John Notman in Threipwood, and in Robert Henderson's house before the said Oliver and Captain Ramsay's servitor, and has often asked the pursuer to prosecute, so that the defender might sue for his relief. Both parties compearing, the defender denied the whole articles, which

pursuer referred to his oath, who deponed he never promised payment 'of any soumes of money but quhat he payed'; whereupon the bailie grants absolvitur.

*Eodem die* action by Jean Bell in Longhaugh against George Turner in Calfhill, narrating that about four years ago they made a bargain for 20 threaves of bearstraw at 7 s. the threave, 'and the said defender would not fullfill his said bargan to the said persewer and delyvered to the said persewer butt 11 thrave, and it being ane deir yeir shoe was prejudged in the soum of 4 lib. Scotts.' He ought to fulfil the bargain and make good the damage, but he refuses. Pursuer compearing by George Wallace her procurator, and the defender by James Edgar his procurator, the matter was referred to defender's oath who deponed 'he delyvered to the said persewer tua thrave of strae more nor he is payed for, and that he promised to her the 9 thraves lybelled but shee come not to fetch it'; so the bailie absolves him, and decerns the pursuer to pay 13 s. 4 d. expenses to the defender.

*Eodem die* Isobel Lythgow, wife of John Trotter of Eister Housbyre, judicially ratified and consented to a Contract of wadset between said John Trotter with her consent and that of Robert Trotter his father, on the one part, and Alexander Trotter, lawful son of the said Robert Trotter, on the other part, dated at Ersiltone, 23 November 1666, disposing the said John's 'roum and lands of Eister Housbyre with houses bigings yeards moss mure wood pasturadge parts pendicles and haill pertinents of the samen quhatsumever with the teynds personadge and viccaradge therof,' under reversion [not stated]. Alexander Trotter thereupon took instruments.

Melrose, 24 July 1674; Mr. Robert Maine.

Which day decerns James Lyes in Colmsliehill to pay to George Pringle in Ersiltoun 4 l. 3 s. 4 d. for 6 firlots of oats and a peck of oats 'eaten and destroyed be the said defenders horse and other goods quhen the persewer

did flitt of the lands of Colmsliehill,' and comprised by two honest men. The pursuer deponed 'that his aun goods wer frie therof, and that he severall tymes apprehended the said defenders goods therupone.'

*Eodem die* absolves William Mudie, portioner of Darnick, from action by Mr. Thomas Byris, schoolmaster at Melrose, against him for on Sunday last intromitting with and taking away 'ane 3 lib. peace' belonging to the pursuer 'out of the persewers psalm book in the sessione house of Melrois'; referred to defender's oath, who deponed negative.

*Eodem die* decerns George Haistie in Maxpople to pay to William Cairncroce of Hilslope 3 l. 13 s. 4 d. as balance of price of the teinds of Maxpople pertaining to the pursuer and possessed by defender, crop 1673; referred to defender's oath, who refused to depone; 9 s. expenses.

Melrose, 31 July 1674; Mr. Robert Maine.

Which day decerns George Bairnfather in Ladopmoor to pay to John Pringle of Williamlaw 43 l. 3 s. 4 d. of byrun mail and duty of the pursuer's lands in Williamlaw possessed by the defender about three years ago; defender confessed.

Melrose, 8 August 1674; Mr. Robert Maine.

Which day decerns Patrick Lukupe, wright in Melrose, to pay to James Waugh in Newmainse 12 l. in a Ticket by him to David Robsone, flesher in Kelso, who assigned on 31 January 1674 to James Usher in Williamlaw, who assigned on 13 July 1674 to the pursuer; writs produced, defender absent.

*Eodem die* decerns Thomas Lythgow, portioner of Melrose, to pay to William Bell, portioner of Galtounsyde, 4 half fulls of bear, Roxburgh measure, borrowed from the pursuer at Martinmas 1671 to be repaid at seed time thereafter, or 5 l. 6 s. 8 d. as the modified price thereof

and 34 s. of protestation money allowed by the Sheriff of Roxburgh to the pursuer; referred to defender's oath, who defers to pursuer, who depones positive; 20 s. expenses.

Melrose, 15 August 1674; Mr. Robert Maine.

Which day, in complaint by James Waugh in Newmainse against James Bouar there, the bailie ordained both parties (with consent) to herd together as before 'and to bring ther goods togidder to the fold and to foll and muck the ground and not seperatlíe to fold nather to eat one anothers cornes,' under penalty of 6 s. 8 d. 'for ilk transgression of ilk beast'; this to stand as an act of neighbourhood.

*Eodem die* decerns John Frater in Longhaugh to pay to James Haden in Galashiels 5 l. for some iron bought from him about four years ago; referred to defender's oath, who deferred to pursuer, who deponed positive; 14 s. expenses.

Melrose, 22 August 1674; Mr. Robert Maine.

Which day decerns Andrew Darling, portioner of Apletrieleives, to pay to Robert Clerk, merchant in Gattonside, 1 l. 15 s. for merchandise bought from the pursuer about two years ago, and 5 l. due by the defender to the pursuer's sister, Jean Clerk, for which the defender became caution when the said Jean bought a plaid from the pursuer [*sic*]; referred to defender's oath, who being absent is held as confessed; 16 s. expenses.

*Eodem die* decerns John Soumhowse in Blainslie to pay to John Wallace there 5 l. 17 s. for 5 pecks of bear 'and 14 copfull' for the defender's land in Bridghaugh 'for his smythwork wrought be the persewer to the defender from Witsunday 1673 to Witsunday 1674,' and 4 s. 'for setting one of 4 new shoon upone the defenders horse'; defender absent; 16 s. expenses.



*Eodem die* decerns James Smyth in Threipwood to pay to Thomas Lythgow, assignee of Adam Knox, herd in Kaidslie, 4 l. for certain grass 'sett be the said Adam to the said defender about 2 years since'; defender absent.

*Eodem die* decerns Thomas Uns, portioner of Lessudden, to pay to Janet Kyll, executrix to deceased Mungo Paton there, 8 l. of principal and 6 merks of penalty contained in a Ticket by the defender to defunct; testament and ticket produced, defender absent.

Melrose, 29 August 1674; Mr. Robert Maine.

Which day absolves Archibald Moffitt in Threipwood from action by William Norman there for 20 l. 'for ane kow with her first calff quhich the said defenders kow did kill'; pursuer failed, in three terms assigned him, to prove his claim; 40 s. expenses.

*Eodem die* decerns George Pringle, portioner of Lessudden to pay to David Gastoun, son of deceased James Gastoun in St. Boswells, 4 merks of fee and 10 s. for a pair of hose, 'for certain work wrought by the persewer to the defender from Candlemes 1673 to Witsunday 1674'; defender absent; 9 s. expenses.

*Eodem die* decerns Alexander Lythgow of Drygrange and Margaret Elliott his spouse to pay to Barbara Bell in Greinhillydyks 8 l. 18 s. of fee and bounty for serving the defenders from Martinmas 1671 to Martinmas 1672; referred to defenders' oaths, who deferred to pursuer and also alleged the pursuer was hired to serve them a half year and did not enter home to their service 'and that she aucht to pay them the fie for her breach,' to which the pursuer and her procurator answered 'that she premonished and fortold them to gett another servant 40 dayes befor the tearme,' which she also referred to defenders' oaths, who deferred to pursuer, who deponed positive as to both; 30 s. expenses.

*Eodem die* 'graunts the desyre of the supplicatione given in to the said baillzie be James Patersone in Whittroch, supplicant, and ordeans Andro Mar, portioner of Galtounsyd, to delyver to him ane beast quhich wes borrowed from the supplicant be William Paterson his brother to fetch hom lym, and quhich wes apprehended be the said Andro Throw being of the said William Paterson perished in the Water of Tueid upon the 25 of this instant; because the supplicant depouned upon his great oath that the beast perteaned to him, and lent be him to his brother in manner forsaid . . . and exoners Henrie Wallace, smyth, of his cautionrye, the supplicant paying the officer 8 l. for his travell.'

*Eodem die* decerns Thomas Williamsone, miller in Westhouses, to pay to Charles, Earl of Haddington, 50 l. Scots due by him to Margaret and Isobel Barrie and arreisted in part payment of 98 l. 4 s. 2 d. contained in decreet, 13 June 1674, against them. Williamson deponed he owed as above by Bond, which is in the custody of George Wallace; and Isobel Barrie 'declaird she was content to pay for als long as she laboured.'

*Eodem die* decerns William Ker in Braidwoodsheill to pay to Patrick Burnley in Birkensyde 27 l. Scots 'receaved be the deffender from the persewer as the pryce off ane black beld meir quhich the said defender did sell to the said persewer upon this conditione to uphold her faultles, albeit she wes stoun blind, and to receave his said stoun blind meir to his aun custodie'; defender absent; 3 l. expenses.

*Eodem die* decerns Marion Trotter, widow and executrix to William Taitt in Ladopmoor, to pay to Jean Waugh, sometime servitrix to Margaret Ker, widow of Anthony Murray, brother german of Sir William Murray of Newtown, now servitrix to Alexander Hay of Mountoun, 36 l. of principal and 6 l. expenses, with interest, in Bond, 3 May 1671, by said deceased William Tait to the pursuer; bond produced, and several witnesses adduced proved the defender's intromission.

Melrose, 5 September 1674 ; Mr. Robert Maine.

Which day decerns Janet Halliwall 'Nook' in Galton side to pay to Andrew Wright in Galtonside and Isobel Paterson his spouse 35 s. as balance of 4 l. due by Margaret Bouston to the pursuers, for which the defender became debtor ; defender absent.

*Eodem die* decerns John Lourie, herd in Threipwood, to pay to John Penman, portioner of Melrose, 4 l. 10 s. as balance of price of sheep bought from the pursuer about Pasch last ; defender absent, pursuer deponed ; 12 s. expenses.

*Eodem die* decerns John Wallace, son and heir of deceased John Wallace, smith in Blainslie, to pay to William Shillinglaw in Claikmae, 7 l. 10 s. of principal as the balance of price of 'certan oatts upon the ground of the lands of Kaidslie bought and received be the defender from the persewer in March 1673,' and 3 l. due by the defender 'for certan fies wrought for be umquhill John Shillinglaw, brother to the persweer, to quich the persewer hes right.' Defender absent ; 26 s. expenses.

*Eodem die* decerns the following to pay to Esther Skougall, widow of Mr. John Summervail, minister at St. Boswells, as follows :—Mr. John Stoddart of Camestoun, and William Sweitt and James Bulman his tenants there, 2 bolls of teind bear for the said minister's stipend, crop 1672, or 7 l. 10 s. for each boll ; William Cairncroce of Hilslopp, and George Haistie and Thomas Hervie his tenants, 21 merks 'for the remain of his teynd of the lands of Moxpople, cropt 1670' ; Mr. James Adamsone, portioner of Lessudden, and John Jamesone and George Gibsone his tenants, 12 l. 13 s. for the teind bear of the said Mr. James's three quarters of land in Lessudden, and 9 l. Scots as his proportion for repairing the manse and houses of St. Boswells, and 4 l. for bear and oats, crop 1674 ; extending to 25 l. 13 s. ; and Thomas Uns, 'Laird,' portioner of Lessudden, 11 l. 18 s. 8 d. 'as the remain of the teynd

bear, cropt 1673 and preceidings ' ; all due to said minister for his stipend. Defenders all absent ; ' modifies 2 s. ilk pound of expenses of pley.'

*Eodem die* decerns William Notman in Thriepwood to pay to Archibald Moffitt there 30 s. for a half firloft of meal bought from pursuer at Yule last, and 36 s. of protestation money allowed by the sheriff of Roxburgh to the pursuer ' for being sumond and not called,' and 40 s. contained ' in ane Absolvitor obtaned befor the said baillyie ' at pursuer's instance against defender. Defender absent, pursuer deponed as to 30 s., and produced protestation and absolvitor in proof of the rest ; 14 s. expenses.

*Eodem die* decerns Andrew Phaup, messenger, to deliver up to James Mar, portioner of Galtonside, a registered bond against James Boustone, and letters of horning and caption raised thereupon and executions thereof, and to accept of 35 s. consigned as the balance of what is due to him for his office, ' and fyns and amerciatts the defender in 10 lib. for extortionatting of the persewer by obtaneing a decreitt against him befor the Shirreff of Roxbrught for the soun of 6 lib. by and attour his conditione.' Defender absent, pursuer deponed there was but 35 s. resting, and Andrew Mar deponed he offered the 35 s. Thereafter the 35 s. was given to Andrew Mar.

Melrose, 26 September 1674 ; Mr. Robert Maine.

Which day decerns James Edgar and John Penman, portioners of Melrose, to pay to James Eillies, writer in Edinburgh, 36 s. due by John Thorbrand in Lessudden to William Lythgow, writer in Edinburgh, from whom the pursuer has right and for which the defenders became caution for Thorbrand to the pursuer ; reserving their relief. James Edgar confessed, Penman absent and held as confessed ; 6 s. expenses.

Head Court, Melrose, 3 October 1674 ; Andrew Mar, portioner of Galtonside, bailie-depute.

Which day decerns John Thorbrand in Lessudden to pay to James Edgar and John Penman, portioners of Melrose, 42 s. in decret at the instance of James Eillies, writer in Edinburgh, against the pursuer as cautioners for the defender, and to relieve the pursuers of their cautionry, and also to pay to James Edgar 30 s. for his procurator fee in obtaining a decret at defender's instance against John Uns in Lessudden ; referred to defender's oath, who refused to depone, and confessed that Edgar was his procurator for three court days.

*Eodem die* decerns James Merse in Newsteid to pay to George Mein, weaver there, 4 l. as balance of price of corn bought from pursuer about a year ago ; referred to defender's oath, who deferred to pursuer ' and whither or not the persewer gave to the defender all the corns promised and putt him in possession therof,' who deponed ' he putt the defender in possession of the corns sold and lybilled.'

Melrose, 17 October 1674 ; Andrew Mar.

Which day decerns John Leitheid, portioner of Melrose, to flit and remove from the onstead of houses and yard in Melrose presently possessed by him, at Whitsunday next, so that James Eillies of Huntliewood, proprietor, may enter ; who produced his sasine, and the precept of warning dated 18 April 1674 ; and the defender desired a copy of the claim, to which pursuer consented if caution were found for the violent profits, which defender refused.

*Eodem die* decerns Mr. John Lythgow, portioner of Ridpeth, and John Purves, tenant in Drygrange, and John Hill in Ridpeth, William Swanstoun and Helen Blackie in Drygrange, for their interests, to pay to Alexander Lythgow of Drygrange and James Edgar, fiscal of the regality, as follows, ' the said Mr. John Lythgow and John Hill for his enteres, of the soum of fyve pounds Scotts money to

the said Allexander Lythgow persewer, addebtbe be the said Mr. John Lythgow to the said John Hill, and to the said James Edgar of the soum of tua pounds Scotts money alsoe adebtbe be the said Mr. John Lythgow to the said John Hill; and the said John Purves and other tua defenders for ther enteress, off the soum off fyve pounds Scotts to the said Alexander Lythgow for each one of the said remanent defenders, and to the said James Edgar of the soum off tua pounds money forsaid for each on of them as said is, and adebtbe be him to them and arreasted in ther hands ' for satisfaction of sums contained in a decreet, 26 September last, against the defenders. Mr. John Lythgow confessed owing John Hill 8 l. 8 s. and 6 quarters of gray; John Purves not compearing is held as confessed.

*Eodem die* decerns Andrew Merser, ' Baitsheell,' portioner of Darnick, to flit and remove from ' these aikers of land inland in Darnick, houses, biggings, yairds,' and pertinents, so that James Eillies of Huntliewood, proprietor, may enter, conform to his sasine produced, dated 2 December 1668, and precept of warning, 16 April 1674; defender absent.

*Eodem die* decerns George Ormstoun in Melrose to pay to James Edgar, portioner there, 44 s. 4 d. as balance of 5 l. due for ' ane house maill sett be the persewer to the defender about 2 years since'; defender absent; 8 s. expenses.

Melrose, 24 October 1674; Andrew Mar.

Which day decerns Andrew Merton in Melrose to pay to James Edgar, portioner there, 8 l. 6 s. as balance of a greater sum due by the defender to the pursuer for the fruit growing in the pursuer's yard, 1674; defender absent.

*Eodem die* decerns Thomas Hardie in Colmesliehill, intromitter with the goods and debts of deceased John Laidlaw, to pay to [pursuer's name omitted] 4 l. for

making the defunct's coffin; defender absent; 12 s. expenses.

*Eodem die* action by William Wallace, portioner of Melrose, and James Edgar, fiscal, for his interest, against John Penman, portioner there, for contravening Act 41, Parliament 1 of King Charles II., whereby it is appointed 'that whoever sall break cutt or pull up any tries planted in any yaird orchyaird or park inclosed sall pay to the ouner therof 20 lib. for ilk trie and if they be not able to pay to work sex weiks for meett and drink allennerlie,' because 'the said defender doth wrongously oun tuo ash tries planted be the said William Wallace persewer within his ground and yaird to pertean and belong to the said defender, notwithstanding quherof the said John Penman defender did most maliciously befor the said persewer his face pull up ane elme trie at his aun hand perteaning to the said William Wallace persewer and growing in his yaird and alsoe did cast down the said dyke and oun the saids tuo ash tries,' so he ought to pay 20 l. for the said tree and replant it where it was, and be fined therefor and for casting down, 'and away takeing of the forsaid merch dyke,' and to repair the same, and the said two ash trees should be decerned to pertain to the pursuer, 'being planted be him and growand within the persewers ground and yaird.' Parties compearing personally, the bailie at pursuer's desire appointed Adam Lythgow, portioner of Melrose, Mark Blaikie, portioner there, James Eillies, 'Walkerraw,' portioner there, and Thomas Law there, to visit the ground and report, who reported this day that they went to the ground controverted between William Wallace, 'merchant' in Melrose, and John Penman there, and find 'that the elme trie contraverted is ane foott within the gavell wall and ground perteaning to the said William Wallace, and siclyk the other tuo ash tries that the said John Penman declairs he sett, quhilk tua ash tries we find to be within the said William Wallace his said gavell and ground alsoe, quhilk forsaid elm trie the said John Penman confessed

the pulling up of befor us'; Melrose, 19 October 1674. The bailie decerns the defender to pay 20 l. to the pursuer for pulling up the elm tree, and 10 l. of fine to the fiscal, and to desist from troubling the pursuer in possession of the ash trees.

Melrose [date omitted]; Andrew Mar.

Which day decerns Thomas Lythgow, portioner of Melrose, to pay to Mr. James Daes of Coldenknows, advocate, 8 l. for each of 4 bolls of bear and 7 l. for each of 3 bolls of oats bought by him from the pursuer, extending to 53 l. Scots, and 106 l. 13 s. 4 d. Scots as the price of 8 bolls of bear bought from the pursuer at 20 merks the boll; defender [*sic*] compeared by George Wallace his procurator, and produced 'the persewers [*sic*] missive letter to him confessing the samen.' 20 merks expenses of plea.

*Eodem die* decerns George and Andrew Mertone in Melrose to pay to George Blaikie, portioner there, 12 l. 12 s. 8 d. for fruit bought from the pursuer about two months ago; defenders absent.

*Eodem die* decerns George Ormstoun in Melrose to pay to Mr. Thomas Byris, schoolmaster there, 10 merks 'for instructing of the defenders son John Ormstoun for the space of tua yeirs and ane halff'; defender absent.

*Eodem die* decerns James Waugh in Newmainse to pay to James Bouar there 5 l. of principal and 20 s. expenses contained in a Ticket by defender to pursuer dated 7 August 1674, and 44 s. for 3 small fulls and a peck of oats borrowed from the pursuer; defender confessed, and ticket produced.

Melrose, 7 November 1674; Andrew Mar.

Which day decerns Robert Bunzie, mason in Newsteid, to pay to William Lythgow, servitor to Thomas Wilkiesone, clerk of Melrose, 11 l. principal and 20 s. expenses



in a Ticket by the defender to James Mein in Coldin-knowes, son of deceased John Mein portioner of Newsteid, and assigned on 17 May [*sic*] by said James Mein to the pursuer; the ticket and assignation being produced. Defender produced a discharge from Mein, which was found to be dated after intimation of process; so decerns reserving action to the defender against Mein for the warrandice of his discharge.

*Eodem die* decerns John Halliwall 'Croce' in Galtonside to pay to Walter Vaitch, portioner there, 18 l. borrowed from the pursuer's wife about five years ago; referred to defender, who depones he never borrowed from the pursuer, but from his wife, and paid the interest, 'and quhen she wes dieing she sent for him and said she would not putt it in testament but bad him give it to her daughter Elspeth, and he answered he would doe it if the persewer would bid him; quherupon John Andersone as husband to Elspeth compeared for his enteres and craved it mycht be decerned to him; thereafter the defender confessed he entered in payment to the persewer and promised payment therof to the persewer if he would warrand him'; so the bailie decerns, reserving 'compt and reckoning.'

*Eodem die* decerns Margaret Richie, daughter of Andrew Richie in Westhouses, to pay to Marion Simpstone, wife of Andrew Fisher of Westerhousebyre, 5 l. of fee, 20 s. for a pair of shoes, 11 s. for an ell of linen, and 5 s. for an ell of harden, because she was feed to the pursuer at Whitsunday last and entered to her service, and at Midsummer thereafter deserted without just cause. Defender confessed she was feed 'and entered hom 4 days and thereafter fell seek and went to her fathers 5 weiks and com and entered again to her servyce and she was not able to spin nor to keep a bairn, she gave the defender a copfull meill and said they would gett servants befor she gott servyce, and her husband wes not content to keep her'; which she referred to the defender's [*sic*] oath, who deponed negative 'that the forsaid exceptione wes not trew,' and

the bailie finds that this deposition does not prove the libel, and therefore decerns in manner foresaid [*sic*].

*Eodem die* decerns Charles Watsone in Westerlonglie, and Jean Hunter for her interest, to pay to Margaret Richie, daughter of Andrew Richie in Westhouses, 40 s. Scots, 10 s. for a half full of bear, and 10 s. for an ell of linen, extending to 3 l., due by Jean Hunter to the pursuer and arreisted in the defender's hands; both defenders absent, and pursuer deponed; 10 s. expenses.

*Eodem die* decerns William Wallace to pay to Margaret Lythgow, wife of James Eillies of Huntliewood, 16 l. 4 s. due to the pursuer by Janet Ker, widow of James Ker of Deanbrae, 'for certan seek furnished be the persewers to the said James Ker his buriall,' and for which Wallace became cautioner. Defender absent.

*Eodem die* decerns John Winter in Gattonside to pay to Robert Mein, mason, portioner there, 15 l. 19 s. for bear bought from the pursuer last Whitsunday; defender absent, pursuer deponed; 36 s. expenses.

*Eodem die* decerns James Greive, son of John Greive in Blainslie, to pay to John Pringle there for his vicarage teinds, 1673, 8 l. 12 s., which the pursuer paid to Francis Scot of Longshaw for certain lands taken by the pursuer from him and possessed by the defender that year 'after the persewers removeall therfrae.' Defender confessed 'he entered to the grass that the persewer went from.'

Melrose, 14 November 1674; Mr. Robert Maine.

Which day decerns Alexander Mein, mason in Newsteid, to pay to James Edgar, portioner of Melrose, 44 s. 8 d. of principal and 8 s. expenses due by him to George Ormstoun in Melrose and arreisted for the said sum contained in decret, 17 October last against Ormstoun. Defender confessed owing as much, and his wife being present consented.

*Eodem die* decerns George and Robert Pringle of Blindlie to pay to Mr. Thomas Byres, schoolmaster at Melrose, 3 l. for his reader fee, 1670, 1671, 1672, 1673, and 1674, being 12 s. yearly ; defenders absent ; 10 s. expenses.

*Eodem die* decerns Alexander Mein, mason in Newsteid, to pay to said Mr. Thomas Byres 1 l. 14 s. 8 d. due by Mein to George Ormstoun in Melrose and arreisted for payment of 10 merks contained in decret against Ormstoun. Defender deponed he owed to the said George at the time of arreistment 4 l. 6 s. 8 d. and paid thereof to James Edgar 52 s.

*Eodem die* decerns James Fiergreive in Hagburn to pay to John Thomson in Ersiltoun 4 l. 16 s. 3 d. for 13 pints and 3 mutchkins of tar, at 7 s. the pint, bought from the pursuer about a year ago. Defender absent, pursuer deponed ; 10 s. expenses.

*Eodem die* decerns Patrick Lukup in Melrose to pay to Isobel Lidderdail, wife of John Bunzie, portioner of Newsteid, 2 l. 4 s. 6 d. 'for particulars furnished be the persewers to the defender' ; defender absent ; 6 s. expenses.

Melrose, 21 November 1674 ; Mr. Robert Mainie.

Which day decerns William Gibsone, indweller in Threepwood, to pay to Thomas Watson in Ridpeth 11 l. for meal bought from the pursuer about Pasch last, and 7 l. for a half boll of bear bought at bearseed time last ; defender absent ; 44 s. expenses.

*Eodem die* decerns James Merse in Newsteid to pay to Archibald Frier, wright in Gattonside, 6 l. due by Merse to Thomas Bow in Melrose and arreisted in payment of 6 l. contained in a Ticket by said Thomas to the pursuer ; defender absent, Bow present consented.

*Eodem die* decerns Patrick Lukup, portioner of Melrose, to pay to John Penman, portioner there, 4 merks for 2

'dails' bought from the pursuer, and 5 s. for a half peck of salt, and 1 s. for herring, extending to 2 l. 19 s. 4 d.; defender absent.

Melrose, 28 November 1674; Mr. Robert Mainie.

Which day decerns Robert Bunzie, mason in Newsteid, to pay to James Mein, portioner there, 20 l. conform to the Act of Parliament 'for pulling, holking, making use off, and away takeing of ane trie growand in the persewers yaird without his licence knowledg or consent,' and 10 l. to the procurator fiscal as a fine; found proven by several witnesses.

*Eodem die* decerns David Kyll, portioner of Lessudden, 'alias Childrim,' John Robiesone, John Rutherfoord, Walter Gibsone, John Uns 'Greatt,' John Uns, wright, and Janet Rutherfoord there, to pay to Thomas Watson in Ridpeth as follows, Kyll 4 l. 18 s., Robiesone, Rutherfoord and Gibson conjointly 13 l. 4 s., Uns 'Great' 6 l., and Uns, wright, 3 l. 18 s., and Janet Rutherfoord 'as relict of James Gastoun' 45 s., for corn and meal bought by them from the pursuer in 1673 and 1674. Defenders absent.

*Eodem die* decerns Robert Mar in Darnick to pay to John Heitoun, weaver there, 7 l. 'of expenses for the persewers obteaning himselff infest in ane yaird acqyred be the said persewer from the said defender,' and which the latter promised by the agreement to pay. Defender absent.

*Eodem die* decerns Thomas Boustoun 'Wynd' in Gattonside to deliver to William Bowstoun, herd there, a half boll of bear due by him to Thomas Merser in Rink, sometime tenant in Drygrange, and arreisted for payment of 2 l. 4 s. of principal and 6 s. expenses in decreet at pursuer's instance against Merser, 17 May 1673; defender absent.

*Eodem die* decerns William Lukup, wright in Danzeltoun, to pay to John Mein, maltman, portioner of Newsteid, 14 l. principal and 20 s. expenses in a Ticket, 20 May 1674, by him to the pursuer; also 16 l. 19 s. 8 d. with 2 merks expenses, in another Ticket, 31 January last; total, 33 l. 6 s. 4 d. Defender absent, tickets produced.

Melrose, 5 December 1674; Mr. Robert Mainie.

Which day decerns Andrew Renneldsone and Walter Dalgleish in Darnick to pay to Charles, Earl of Haddington, as follows, Renneldsone 6 l. due by him to Robert Mar in Darnick, and Dalgleish a boll of oats at seedtime next, 'or 7 lib. and 38 s. therfor,' due by him to said Robert Mar, and arreisted in their hands. Defenders confessed.

*Eodem die* decerns James Mein in Eildoun to pay to Andrew Chisholm, portioner of Darnick, 16 l. for bear bought from the pursuer about a year ago; defender absent.

*Eodem die* decerns Andrew Halliwall, portioner of Gattonside, to pay to John Mein, maltman, portioner of Newsteid, 2 l. 8 s. for two fulls of seed pease bought from the pursuer at seed time last, and 1 l. 2 s. for a peck of oatmeal; defender absent; 10 s. expenses.

*Eodem die* 'discharges Robert Bunzie, measone in Newsteid, to frequent, use and haunt ane kirk seatt in Melrois kirk nixt to the pulpitt on the north syde theroff, perteaneing to James Mein, portioner there,' under a penalty of 10 l. for each contravention; the bailie finding by production of the pursuer's right and the testificate signed by the minister and clerk of session that the seat controverted belongs properly to the pursuer.

*Eodem die* decerns Andrew Halliwall, donator to the escheat of John Halliwall 'Fair,' portioner of Gattonside, to pay to William Anderson, merchant in Melrose, 16 s. 'for 4 hooks' bought by said John from the pursuer; defender absent.

Melrose, 12 December 1674 ; Mr. Robert Maine.

Which day decerns Thomas Darling, wright in Blainslie, to pay to Dame Christian Lindsay, Countess of Haddington 4 l. 13 s. 4 d. due by him to Thomas Waddell in Traebroun, and arreisted for payment of 49 l. 12 s. 4 d. in Bond by Waddell to the Countess ; defender deponed he was due only as above at the time of arreistment.

*Eodem die* decerns George and Andrew Merton, portioners of Melrose, to pay to George Pringle of Buckholm 10 l. for fruit bought from Thomas Law, tenant to the pursuer, in August 1674 ; defenders absent.

*Eodem die* decerns Janet Smith, wife of Thomas Darling in Blainslie, to pay to John Cochran in Chappell 8 l. of fee, 13 s. 4 d. for a peck of oatmeal, 8 s. for half a peck of bear meal, 12 s. for an ell and a half of plaiding, and 4 s. for an ell of harden, as a year's fee wrought for by Margaret Cochran, the pursuer's daughter, in 1673 ; defender absent ; 24 s. expenses.

*Eodem die* absolves John Wallace, smith in Blainslie, from making forthcoming to James Edgar, fiscal, 100 l. Scots, due by him to William Pringle and William Chartours, because he deponed he owed nothing to them at the time of arreistment.

*Eodem die* decerns James Smyth in Threipwood to pay to Bessie Hardie in Kaidslie 50 s. modified as the price of a ' wether sheep ' pertaining to the pursuer and lost by the defender in 1673 when the same was herded upon the lands of Kadslie by the defender ; referred the delivery thereof to defender's oath, who deferred to pursuer, who deponed positive ' she delyvered him ane wether sheep 3 years old ' ; 10 s. expenses.

*Eodem die* decerns Thomas Darling in Blainslie to pay to John Pringle there 2 l. 4 s. for bear and straw promised to the pursuer in harvest last ; defender absent.

Melrose, 19 December 1674 ; Mr. Robert Mainie.

Which day action by James Edgar, fiscal, and George Pringle of Buckholm, against James Lamb in Melrose, who intromitted with and took away 'certan dows out of the doucatt' pertaining to said George Pringle, 'and siclyke certain pies [*i.e.* pease] out of the Sandyaird' pertaining to him, and a saw pertaining to Nicol Bowar, portioner of Eildon, worth 10 merks ; all which he ought to restore, and be fined. Parties compearing, defender denied all, whereupon the pursuer adduced several witnesses, who deponed negative to all the points, and an assise of 15 persons, by their spokesman Mr. Thomas Byres, found the complaint not proven, wherefore the bailie grants absolvitor.

*Eodem die* absolves Isobel Lythgow in Galtonside from action by Alexander Trotter of Eister Housbyre for 5 l. 16 s. borrowed about 3 years ago, and 3 l. half of which is borrowed and half being the price of 'ane Dunmund sheep,' with 7 l. 6 s. borrowed at Lammas last, and a stack of peats at 40 s. ; total, 18 l. 2 s. Referred to defender's oath, who confessed borrowing two 'legged' dollars, but deponed she satisfied him therefor, and deponed negative to all the rest ; so absolves.

*Eodem die* absolves Thomas Bowie, in Melrose, from action by John Fisher and Andrew Merser, maltmen in Darnick, for 2 l. as balance of price of half a boll of malt bought from them about 2 years ago ; because defender alleged he paid his half 'and the persewers promised never to crave him more' ; reserving action against George Blaikie.

*Eodem die* decerns John Vair, portioner of Eildon, to pay to Andrew Chisholm, portioner of Darnick, 11 l. as price of 2 bolls of oats bought from the pursuer about a year ago ; defender absent.

*Eodem die* decerns Robert Spottiswood, portioner of Darnick, to pay to Margaret Drummond there 4 l. of fee,

9 s. for 3 quarters of an ell of linen, and 4 s. for an ell of harden, for half a year's service wrought by the pursuer to the defender ; defender confessed.

*Eodem die* decerns William Merser in Darnick to pay to Charles, Earl of Haddington, 28 l. 15 s. 10 d. due by him to Robert Spottiswood in Darnick and arreisted for payment of byrun maills and duties owing by Spottiswood to the Earl for his lands in Darnick ; defender deponed this was all he owed, and absolved from the rest.

*Eodem die* absolves Thomas Hunter, merchant in Melrose, from action by James Burn there for 5 l. 'alleged promised be the defender to the persewer for going about the persewers [*sic*] effairs to Newcastle' ; referred to defender's oath, who deponed negative.

*Eodem die* decerns Thomas Lukup, younger, wright in Melrose, to pay to George Wallace 10 l. due by Lukup to George Wright, second son of deceased John Wright portioner of Melrose, and assigned on 14 October last to pursuer ; defender confessed ; 26 s. expenses.

Melrose, 26 December 1674 ; Mr. Robert Maine.

Which day decerns Thomas Uns *alias* Laird, portioner of Lessudden, to pay to Agnes Kyll, wife of Mungo Glendonning there, 7 l. ; with 12 s. for an ell of linen and 8 s. for a pair of hose, for service wrought by said Agnes to the defender about 6 years ago ; defender absent, pursuer deponed ; 20 s. expenses.

*Eodem die* decerns William Boustoun, weaver in Gattonside, to pay to Walter Vaitch, portioner there, 8 l. 2 s. borrowed from pursuer about 2 years ago ; defender absent, pursuer deponed.

*Eodem die* decerns Thomas Darling, younger, in Blainslie, to pay to James Fisher of Claikmae 6 l. borrowed in September last, and 3 l. 6 s. for ale and bread supplied to him by the pursuer and his spouse in August last ; defender confessed ; 2 merks expenses.



*Eodem die* decerns Andrew Cairncroce of Wester Longlie to pay to Mr. Thomas Byris, schoolmaster at Melrose, 2 l. 18 s. for his reader fee, 1674 ; defender absent.

*Eodem die* decerns John Clapertoun in Longhaugh to pay to Thomas Skouller, gardener in Torwoodlie, 11 l. for ' tua beis skaips ' bought from pursuer at Martinmas 1673 ; defender absent, pursuer and his witnesses deponed.

Melrose, 31 December 1674 ; Mr. Robert Maine.

Which day Margaret Adamsone, wife of Thomas Uns, portioner of Lessudden, judicially ratified a Disposition of this date by her said husband with consent of her and of David Uns in Lessudden, his brother, in favour of Walter Scott of Raeburn and his heirs and assignees, irredeemably, of their one husband land in Lessudden, with tenements, houses, yards, and pertinents, presently possessed by the said Thomas Uns and John Patoun in Lessudden. John Bell, the notary's servitor, takes instruments on behalf of Scott ; done in ' the hall and place perteaneing to ' Charles, Earl of Haddington, between 11 and 12 forenoon, in presence of John Thorbrand, portioner of Lessudden, George Blaikie, portioner of Melrose, and others. [The notary does not sign.]

Melrose, 2 January 1675 ; Mr. Robert Maine  
of Lochwood.

Which day decerns John Quarie in Eildon to pay to Thomas Mein, portioner there, 2 l. 15 s. as balance of price of a boll of oats bought from the pursuer about two years ago ; pursuer deponed positive. Absolves defender from a ewe pertaining to Thomas Halliwall in Galtonside, delivered to the defender to herd and alleged to be lost by careless herding, worth 3 l. ; because the defender denied delivery of the ewe, and this being referred to his oath, he deponed ' that the samen was wanting befor he knew who aught it.'

*Eodem die* decerns James Waughe in Newmains of Danzielton to pay to John Mein, maltman in Newsteid, 9 l. 3 s. as balance of price of meal bought from the pursuer, conform to Ticket, 31 September 1674; ticket produced; 22 s. expenses.

*Eodem die* absolves John Scott, elder and younger, portioners of Galtonside, from action by Robert Clerk, merchant there, against them, 'as the scroll of the said absolvitor lyeing in the proces bears.'

Retour [*in Latin*] of the general service of William Waterstoun, eldest son of Simon Waterstoun, in Over Houdoun, procreated between him and Annabel Mathiesone his spouse, lawful daughter of deceased John Mathiesone, eldest son of George Mathiesone, portioner of Midlime, as heir male to the said George Mathiesone, his great-grandfather; the names of inquest being John Mein, maltman, portioner of Newsteid, George Wallace, notary in Melrose, Alexander Trotter of Eister Housbyre, Robert Buinzie, mason in Newsteid, John Mein, mason there, Andrew Chisholme, portioner of Darnick, Andrew Renneldsone, portioner there, John Buinzie, portioner of Newsteid, John Sklaitter, portioner of Eildoun, Thomas Mein, portioner there, Alexander Mein, mason in Newsteid, James Mairtoun, clothier in Melrose, John Bell, weaver there, George Hounam, portioner of Bridgend, and John Lythgow, portioner of Ridpeth. Thomas Wilkiesone, clerk of regality court, subscribes.

Melrose, 9 January 1675; Andrew Mar.

Which day decerns George Pringle in Melrose and John Quarie in Eildoun to pay to Michael Gibsone, flesher in Melrose, the former 8 s. 8 d. and the latter 6 l. 10 s. 10 d., 'for the number off fyve meassur or gess of aples' bought from the pursuer about 20 August last; defenders confessed, after debating; 16 s. expenses.

*Eodem die* decerns Robert Spottswood, portioner of Darnick, and James Cochrain, tailor there, to pay to

Thomas Wilkiesone, clerk of Melrose, the former half a boll of good oats, Roxburgh measure, worth 5 l., and the latter 8 l. 4 s., for writing papers and writs and registration of his sasine ; defenders absent ; 18 s. expenses.

*Eodem die* decerns Margaret Mertoun in Westhouses to pay to James Edgar, fiscal, 10 l. of fine 'for casting, beating, stryking and wounding off Robert Pringle of Blindlie with stones and staffes to the effusion of his blood and haizard of his lyffe' ; proved by witnesses.

*Eodem die* decerns George Eillies, portioner of Danzielton to pay to William Merse, brother german of George Merse portioner of Darnick, '*alias* Laird,' 22 l. Scots for 2 bolls of oats and half a boll of bear bought from the pursuer about three years ago ; defender confessed receipt of the corn, and alleged payment, but failed in three terms assigned to prove the same.

*Eodem die* decerns James Pringle, son of George Pringle in Westhouses, to pay to James Edgar, fiscal, 50 l. 'for his wicked and malicious beating, stryking, and wounding off Robert Mertoun in Coblehouss and Margrat Mertoun his sister with ane sword' ; proved by witnesses.

*Eodem die* decerns John Buinzie, haver of or who had the deed, to deliver to Robert Buinzie his brother, mason in Newsteid, a Disposition dated — 1674, granted by said John with consent of Isobel Lidderdail his spouse and Thomas Bunzie, their eldest son, selling to the said Robert and his heirs and assignees irredeemably 'all and haill that his ane onsteid of houses and tua yairds in Newsteid with the viccaradge teynds of the samen includit,' with tolerance to the pursuer to build at his pleasure 'upon the said defender his pairt of the onsteid nixt to himselfe with the divot earth off fouer aikers of land ther' ; all apprisings and wadsets being purged, and obliging himself to obtain the judicial consent of his wife, and that the 'forsaids yairds sould be devyded at the sight of tua honest neutrall men' ; and to pay to the

pursuer 20 l. of expenses of plea ; referred to defender's oath, who refused to depone.

*Eodem die* decerns John Andersone, portioner of Ridpeth, to pay to Thomas Ritchiesone in Park 14 l. for meal bought from the pursuer about 2 years ago , and 6 l. of fee with 20 s. for six quarters of gray and 8 s. for an ell of white, of bounty, for half a year's service wrought by David Ritchiesone, pursuer's brother, to the defender from Martinmas 1673 to Whitsunday 1674, assigned on 4 December last by the said David to the pursuer ; referred to defender's oath, who deferred to pursuer, who deponed positive.

*Eodem die* decerns Thomas Bicket in Danzieltoun to pay to William Andersone, merchant in Melrose, 5 l. 1 s. 6 d. for merchandise furnished by the pursuer to him ; defender absent, pursuer deponed.

Melrose, 16 January 1675 ; Andrew Mar.

Which day decerns Robert Leithen, portioner of Eildon, to pay to William Maben, weaver in Melrose, 5 l. modified as the price of ‘tua gimmers’ which the defender had in keeping and pasturing on the lands of Eildon, 1674, and suffered to be lost ; defender confessed the sheep with the rest that he had in pasturing ‘come to his houss and ware redelyvered bake to the said persewer be the herd,’ and referred it to pursuer's oath ‘iff he gote not all the sheip back from the herd,’ who deponed ‘he gote all back but the forsaid tua gimmers.’

*Eodem die* decerns Thomas Mein, portioner of Eildon, to pay to Robert Mein, portioner there, 7 l. 14 s. of principal and 15 s. expenses, in Decreet by the pursuer against James Bower in Longhaughe, dated 27 July 1672, and arreisted in defender's hands as debtor to Bower ; defender present, refused to depone what he owed to Bower at the time of arreistment.

*Eodem die* decerns John Quarrie in Eildon to pay to Nicol Bowar, portioner there, 10 merks disbursed by the pursuer as cautioner for the defender to George Wallace, notary in Melrose, 'in name and behalfe of Thomas Watt-sone in Ridpeth,' conform to discharge produced ; defender confessed.

*Eodem die* decerns Charles Watsone in Eister Longlie to pay to George Pringle in Wester Longlie 5 l. 6 s. due by him to Thomas Bell, portioner of Easter Longlie, and arreisted for sums due to the pursuer ; 13 s. expenses.

*Eodem die* decerns Charles Watt-sone in Easter Longlie to pay to Robert Ormstoun in Coblehouse 18 l. due to said Thomas Bell and arreisted as above ; 40 s. expenses.

Melrose, 23 January 1675 ; Andrew Mar.

Which day absolves James Mein, portioner of Newsteid, from action by Thomas Buinzie, son of John Buinzie portioner there, for delivery of a Bond by Alexander Mein, mason in Newsteid, to deceased Janet Mein, 'good-hame' to the pursuer, in liferent, and the pursuer in fee, for 23 l. Scots, with interest and expenses ; because the defender exhibited the same in the hands of the clerk of court.

*Eodem die* absolves John David-sone in Longshaw from action by William Cairneroce of Hilslope for 10 merks for a year's rent of a house in Ladupmore set to the defender about two years ago ; defender 'deponed he never dwelt in a hous of the persewers nor ever took the same or promised mail therfor.'

*Eodem die* decerns John Scott, portioner of Gattonside, to pay to Walter Vaitch, portioner there, 17 l. 5 s. for an ox bought from the pursuer at Michaelmas 1673, to be paid at Whitsunday thereafter ; after debate, referred to defender's oath, who confessed the price and alleged 3 l. 4 s. paid, which he referred to pursuer's oath, who deponed it was not paid.

Melrose, 30 January 1675 ; Andrew Mar.

Which day decerns William Lukup, wright in Danzieltoun, to pay to John Thomsone, slater in Darnick, 4 l. for ten threaves of straw bought from the pursuer about a year ago ; defender absent, pursuer deponed ; 12 s. expenses.

Head Court, Melrose, 6 February 1675 ; Andrew Mar.

Which day absolves James Taitt, herd in Williamlaw, from action by George Bairnfather in Ladupmoor against him, because the defender being herd to the pursuer's sheep did through neglect lose to the pursuer 4 ewes and a hog, at 5 l. per head, in October last ; referred to defender's oath, who deponed negative ' that he was frie off them.'

Melrose, 13 February 1675 ; Andrew Mar.

Which day absolves James Moffett in Drygrange from action by Barbara Bell in Grewhilldykes narrating decreet at her instance against Alexander Lythgow of Drygrange for 8 l. 18 s. of principal and 30 s. expenses, upon which she caused arreist in defender's hands 12 l. due by him to the said Alexander ; but he denied owing anything to Lythgow at the time of arreistment, and deponed thereupon.

Melrose, 20 February 1675 ; Andrew Mar.

Which day decerns James Mein, portioner of Newsteid, to pay to Robert Bunzie, mason there, 13 l. 16 s. paid by the pursuer to William Lythgow, writer in Edinburgh, as assignee to the defender, and the defender granted discharge containing absolute warrandice and specially at Lythgow's hands ; the bailie having repelled defences and seen productions ; superseding extract till 14th April next ; 24 s. expenses.

*Eodem die* decerns Mark Kille in Lessudden to pay to Mr. James Adamsone, minister at Pittnean, 4 l. 10 s. of

teind which the pursuer paid to Mr. John Somervell's widow for the teind duty of 'half ane quarter' of land possessed by the defender and pertaining to the pursuer, crop 1673; also for the teind duty thereof to 'my Lord' Cardros a peck of wheat and six 'copfull' of pease, said crop; conform to Tack between pursuer and defender, dated 5 October 1672. The defences repelled, and bailie finds the Tack proves defender's possession.

*Eodem die* absolves said Mark Külle from action by said Mr. James Adamsone for  $1\frac{1}{2}$  bolls of bear contained in Tack, 5 October 1672, between them; defender alleged the same paid 'and that the said persewer sold the ferme to him,' and referred to pursuer's oath who deferred to defender, who deponed he agreed with the pursuer for 5 l. the boll and paid the same to John Coatt in name of the pursuer, with 24 s. of public burdens, and there remains 16 s., which he presently pays.

*Eodem die* decerns George Wadderstoun in Blainslie to pay to William Montgomerie of Quhiteslaid 10 merks of housemail from Whitsunday 1674 to Whitsunday 1675, and 'tua horse grass being 4 soume sommer last 1674 at 5 lib. ilk soume,' and for a half soume of sheep, summer 1674, 2 l. 10 s., and he 'pulled doune and ruined ane hous to the said persewer in Bridghaughe by theiking of the samen with unwine divotts,' prejudging the pursuer in 10 l.; total, 39 l. 3 s. 4 d.; proved by witnesses and defender's confession; reserving action to the defender 'against any who sett him the soumes and grass.' 4 l. expenses.

*Eodem die* decerns William Nottman, George Moffitt, Peter Moffett, Archibald Moffett, elder and younger, Andrew Nottman, John Lourie, and James Smyth, inhabitants in Threipwood, to pay to John Young, sometime in Threipwood, now in Ladupmoore, and Andrew Aitchiesone, sometime there, now in Mossehouses, 'vizt. to the said John Young off the number off 4 bolls and ane meikle full off oatts being the 3d corne, or 7 lib. for the boll, and for sex

furlotts of infeild corne 8 lib. 10 s. the bolle, and to the said Andro Aitchiesone off the number of halfe ane boll infeild oatts at 8 lib. 10 s. and ane halfe bolls sawein in the outfeild is a bolle and ane halfe at 7 lib. the bolle.' The pursuers purged themselves by oath 'that their owne bestiall is frie off the eating of the saids cornes,' and the complaint is proven by several witnesses. Expenses modified to John Young 4 l. and to Andrew Aitchiesone 36 s.

*Eodem die* decerns Patrick Lukup, wright in Melrose, to pay to John Mein, maltman, portioner of Newsteid, 20 merks, with interest since Martinmas last, and 2 merks of penalty, contained in a Ticket, 13 May 1674, by him to the pursuer; 3 l. for two small fulls of bear received from the pursuer in June last; and 24 s. for a peck of oatmeal received in July last; total, 18 l. 17 s. 4 d. Ticket produced, defender absent; 40 s. expenses.

*Eodem die* absolves James Merser, portioner of Newsteid, from action by Robert Buinzie, mason there, executor confirmed to deceased Janet Mein, his mother, against the defender for 4 l. 'off the bygaine annuelrents of 50 merks,' as cautioner for Adam Turnbull in Newsteid, who owed the same to the said Janet; but the defender deponed he did not become cautioner for the said Adam.

Melrose, 6 March 1675; Mr. Robert Maine.

Which day decerns John Quarrie in Eildoun to pay to Robert Leithen, portioner there, 5 l. as the modified price of two 'gimmer sheip' lost by the defender through evil herding in 1674; proved by witnesses.

Melrose, 13 March 1675; Mr. Robert Maine.

Which day decerns Helen Bartoun, widow of John Bartoun, portioner of Gattonside, to pay to James Waughe 10 l. due by defender to James Pattersonone, herd in Newtoun, and assigned by him on 25 August 1674 to the pursuer; defender confessed the debt, and alleged that William



Bell in Ridpeth claimed one half of it ; pursuer to warrand defender especially at the hands of said William Bell.

*Eodem die* decerns James Smyth in Threipwood to pay to Thomas Cairter in Craixfuird 9 l. 4 s. as balance of price of sheep bought from the pursuer at Martinmas 1673 ; defender absent, pursuer deponed ; 26 s. expenses.

*Eodem die* action by Grizel Scott in Darnick and Michael Fischer her son, portioner there, and James Edgar, fiscal, for his interest, against William Greistoun in Darnick, who 'hes most unjustlie and wrongouslie builded ane kill in the midst of the toune off Darnick near to the saids per-sewars their barne yaird ther which is ane inconvenient plaice to be builded upon, and incaice off any fyre or other accident that shall happen to occure upon the said kill it might be to the saids persewers their great hurt enorme prejudice and skaith' ; so he ought to remove the kiln or find caution to pay any damage arising therefrom ; 'and sicklyke that the said kill is builded and incroaches upon the Kings hie streit,' contrary to act of Parliament, so that he is liable in a fine. The pursuers compearing by Andrew Fischer, brother of the said Michael, and the fiscal compearing personally, and also the defender, the bailie with consent of parties appointed Walter Usher, Andrew Rennaldsone, Andrew Heittoun and John Moss, 'suorne men in the said toune of Darnick,' to visit the kiln and report, who gave in this day their report dated 13 March 1675, finding the kiln 'to be 50 foote of distance from the saids persewers barne-yaird and noewayes prejudiciall therunto, or anywayes incroaching upon the Kings hie streitt ; and that the persewers barnyaird lybelled is not his barnyard, for his predicessors barnyaird was the kill yaird.' The bailie absolves the defender from the whole claim.

Melrose, 20 March 1675 ; Mr. Robert Maine.

Which day declares James Pringle, son of George Pringle in Westhouses, fugitive, and ordains all his move-

ables to be escheated, and prohibits all persons in the regality of Melrose to reset and supply him ; because he, being summoned at the instance of Robert Mertoun in Coblehouss, Margaret Forrest in Westhouses and Margaret Mertoun there, and James Edgar, fiscal, for his interest, to answer ' for the said defender his most wickedlie setting fyre to the saids persewers their houss in Westhouses and for beatting and stryking off the saids persewers,' failed to compear, and the complaint was proved by several witnesses.

*Eodem die* decerns Mark Kylle in Lessudden to pay to Janet Adamsonsone in Boudoun 8 l. 10 s. 8 d. as the modified price of ' ane Louthian bolle of beir ' due to the pursuer for the ferme bear of an acre of land in Lessudden pertaining to the pursuer and possessed by the defender, crop 1674 ; defender confessed.

Melrose, 27 March 1675 ; Mr. Robert Mainie.

Which day action by Robert Pringle of Blindlie, and James Edgar, fiscal, for his interest, against Margaret Forest in Westhouses, and Robert Mertoun in Coblehouss her son, and Margaret Mertoun her daughter, and Francis Pringle, son of the said Margaret, for contravening Act 7, Parl. 3, of King James v. against arson, and also Act 118, of his seventh Parliament, and Act 33, Parl. 1, of King James vi., and Act 75, Parl. 4, of King James i., because the defenders ' did most wickedly upon the last day of December 1674 under cloud and silence of night about midnight, the said persewer being in his bed, sett the said defender his houss in Westhouses, wher he resyds and sleips, on fyre at fouer severall pairts theroff, intending therby not only the said persewar his prejudice but to tak away his lyffe,' and by the said acts of Parliament are ' culpable of death ' and meantime ought to find caution to underly the law. Pursuers compearing personally, and Robert Mertoun, one of the defenders, compearing personally with George Wallace his procurator, the pursuers desired him to find caution, who found George Pringle,

fiar of Blindlie, eldest lawful son of the said pursuer, cautioner for his answering the pursuer according to law; and witnesses being examined, they all declared they knew nothing of the defender's raising of fire on the pursuer's house 'and ounawayes could prove the samen'; whereupon the bailie absolves him.

*Eodem die* decerns Thomas Boustoun, 'poundler' in Gattonside, and James Lyndsay there, to pay to Charles, Earl of Haddington, 14 l. of principal and 30 s. expenses, in decreet by the Earl against William Boustoun in Gattonside, and arreisted in defenders' hands as debtors to William Boustoun; defenders absent.

*Eodem die* decerns William Nottman in Threipwood to pay to Bessie Bell in Mosehouses 3 l. 3 s. borrowed by the defender and his mother from the pursuer about two years ago; defender absent; 10 s. expenses.

*Eodem die* decerns James Waughe in Newmaines of Danzieltoun and Andrew Pringle in Westhouses to pay to Isobel Lidderdaill, wife of John Buinzie in Melrose, the said James 26 s. 2 d. and the said Andrew 30 s. 6 d. for ale 'and uthers' furnished by the pursuers to the defenders; Waugh refused to depone, and Pringle being absent is held as confessed.

Melrose, 3 April 1675; Mr. Robert Maine.

Which day decerns Thomas Kyll, wright in Lessudden, to pay to John Brydden there 48 s. for bear and meal bought by deceased John Kyll, the defender's brother; and absolves from 4 l. 6 s. 8 d. contained in the claim; because the defender deponed 'he only proffered the said persewer 48 s.'

*Eodem die* decerns James Merser, portioner of Newsteid, to pay to Andrew Wilsone, portioner there, 5 l. 6 s. 8 d. for half a boll of bear, for the ferme and duty of certain lands in Newsteid possessed by him, crop 1674, and pertaining to the pursuer; proven by witnesses; 15 s. expenses.

Melrose, 17 April 1675 ; Mr. Robert Maine.

Which day decerns William Boustoun, weaver in Gattonside, to pay to Alexander Trotter of Eister Housbyre 9 l. 2 s. for oats bought from the pursuer about Martinmas last ; defender absent, pursuer deponed.

*Eodem die* decerns John Mylne, younger, in Newtown, to pay to Mr. Thomas Byres, schoolmaster at Melrose, 54 s. contained in a decreet at pursuer’s instance against Andrew Cairncroce of Wester Longlie and arreisted at pursuer’s instance in the defender’s hands as debtor to Cairncroce ; defender absent.

*Eodem die* decerns Robert Mertoun, sometime in Westhouses, now in Coblehouss, ‘ to relieve, discharg and give up to Robert Pringle off Blindlie off ane Tickett granted be him to the said defender daitted 6 October 1668 yeirs quherby the said persewar band and obleist him to releive the said defender in goeing out as ane souldier for the militia at the end of ane year under the paine of 100 lib.’ which is registered 24 February 1672, and the defender having charged the pursuer to relieve him, the pursuer went to him with George Wallace, notary in Melrose, and offered to free the defender ‘ and to delyver him his militia armes being aither ane suord and pick or muskett,’ and the defender answered he was willing to deliver the said arms to the pursuer, as instruments taken on 14 April 1675 attest. Defender absent, ticket and instruments produced, the bailie decerns the defender to give up the arms and discharge the ticket.

*Eodem die* decerns Robert Buinzie, mason in Newsteid, ‘ to putt and lavell the yaird perteing to John Buinzie his brother ther as it was beffor the altering off the merch stones sett betwixt the said persewar and the said defender,’ and to pay 10 l. of fine to the fiscal, for altering and removing the said march stones set by Alexander Mein and James Merse in Newsteid, who reported as to the matter of fact.

*Eodem die* decerns John Uns, tenant to Christian and Helen Purves, heirs of deceased William Purves, portioner of Lessudden, their father, to flit and remove from these houses and yards in Lessudden, with tofts, crofts, and pertinents, belonging to John Thorbrand, portioner there, and possessed by the defender, crop 1673, so that Thorbrand may enter thereto, conform to his sasine produced following on a charter by —, Earl of Haddington, and precept of warning 40 days before Whitsunday 1673.

Melrose, 24 April 1675 ; Andrew Mar.

Which day decerns Janet Rutherfuid, widow of James Gastoun in Templehouse, to pay to Esther Scougall, widow of Mr. John Sommervell, minister at St. Boswells, 16 l. 14 s. as balance of price of a boll and a half of teind bear for the teind of the defender and her husband's lands in the parish of Lessudden, crop 1673 ; defender confessed possession of the lands.

Melrose, 1 May 1675 ; Andrew Mar.

Which day decerns Thomas Cochrain in Newtoun to pay to Mr. Thomas Byres, schoolmaster at Melrose, 3 l. due to George Broun, litster in Edinburgh, for dyeing cloth and yarn, the pursuer having a factory from Broun to uplift the debt ; and absolves from the rest, the defender denying all but the said 3 l. ' quheroff he is to pay 30 s. to Andro Phaup.'

*Eodem die* decerns Patrick Lukup, wright in Melrose, to pay to Robert Ker there 4 l. borrowed from the pursuer about three months ago ; defender absent, held as confessed.

*Eodem die* absolves Thomas Reidfuid in Melrose from action by Margaret Boyd, wife of Adam Darling, portioner of Westhouses, narrating that the deceased Thomas Peible in Peibles, a trooper, quartered in the pursuer's house, who furnished him with necessaries to the extent of 14 l. Scots, and the defender being addebted in that amount

to the said Thomas Peible undertook to pay the pursuer ; but this being referred to his oath, he deponed negative.

*Eodem die* decerns George Haistie in Moxpople to pay to Andrew Wallace, portioner of Boudoune, 6 l. as the modified price of three half firlots of oatmeal and 20 s. for a half firlot of oats ' off sharpine corne,' with 40 s. for 18 sheaves of oats, ' or the 18 sheaves off oatts the nixt harvest,' due to the pursuer for certain smith work wrought to the defender ; defender confessed ; 24 s. expenses.

*Eodem die* decerns Thomas Huntar, merchant in Melrose, to pay to James Huntar there 8 l. as balance of price of an ox bought from the pursuer about six years ago ; and absolves him from ' certaine sheip and uther articles contained in the said persewers claime' ; for the defender deponed ' he tooke the stott out off Ancrum and payed 3 lib. for the wintring of it, and 3 lib. for tua summers grass, and sold it at 14 lib. ; and for the sheip he deponed he sold the said persewer 10 hogs at 40 s. the peice and receaved a dollor of earnest conditionallie iff he was not payed of them befor Midsummer he was to tak his sheip againe, quhich he did.' 24 s. expenses.

Melrose, 8 May 1675 ; Andrew Mar.

Which day decerns John Quarie in Eildoun to pay to George Cairncroce in Ladupmoore 7 l. 4 s. delivered by the pursuer to the defender in — last ' when he was working in Louthian,' and which was to be given to the pursuer's wife, but the defender detained the same ' and maid his oune use theroff.'

*Eodem die* decerns George Eillies in Danzieltoun and Janet Weyman his spouse to pay to James Edgar, fiscal, 20 l. as a fine for troubling and interrupting William Merser, brother german to George Merser *alias* Laird, portioner of Darnick, in peaceable possession of 4 butts of land in Danzieltoun contained in a wadset tack between Eillies and Merser, whereby the defender gave the pursuer

full power to enter thereto at the date of the wadset without peril of law, being 26th — 1675, and he accordingly entered and ploughed the same with his own plough; and decerns him to cease molesting the pursuer therein under penalty of 10 l. for each contravention. Proven by witnesses.

*Eodem die* decerns James Waughe in Newmaines of Danzieltoun to pay to Henry Wallace, smith in Melrose, 5 l. 13 s. 6 d., with 40 s. for three loads of coals, extending to 7 l. 13 s. 6 d., due to the pursuer for smith work wrought ' this thrie yeirs bypast ' to the defender; defender absent; 18 s. expenses.

Melrose, 15 May 1675; Andrew Mar.

Which day decerns James Scott in Hilslope to pay to George Turner in Calfhill 19 l. 6 s. for meal, sheep, etc. contained in a particular account, as bought from the pursuer; defender absent, pursuer deponed; 44 s. expenses.

*Eodem die* decerns John Feirgreive and Janet Lourie his spouse in Melrose to pay to James Edgar, portioner there, 5 l. as rent of a house in Melrose possessed by them from Whitsunday 1674 to Whitsunday 1675, payable between Yule and Candlemas 1675; defenders absent.

Melrose, 22 May 1675; Mr. Robert Maine.

Which day decerns Patrick Lukup, wright, portioner of Melrose, to pay to James Eillies of Huntliewood, 8 l. 14 s. with annualrents and 12 s. expenses, extending to 9 l. 6 s. contained in a Ticket by the defender to the pursuer dated 13 May 1674; defender absent, ticket produced; 24 s. expenses.

*Eodem die* absolves John Hislope, herd in the Lairdsland, from action by Robert Reidfuird in Darnick against him for losing to the pursuer ' ane ew with ane lamb ' about a month ago, worth 5 l.; because the defender confessed

he had the ewe in keeping, but the ewe was stolen, and he acquainted the pursuer therewith, within twenty-four hours, and he never meddled therewith nor knew of her whereabouts.

Melrose, 28 May 1675 ; Mr. Robert Maine.

Which day decerns John Flaebairne in Lessudden to pay to Robert Midlemest in Eildoune 9 l. in complete satisfaction of the principal sum of 100 merks with interest and expenses contained in Bond by the defender to the pursuer ; defences and answers considered.

Melrose, 5 June 1675 ; Mr. Robert Maine.

Which day absolves Stephen Mertoun, tailor in Darnick, from action by James Mertoun, tailor in Melrose, narrating that the pursuer and defender and John Mertoun in Gala-shiels bought from George Pringle, younger of Blindlie, a certain number of trees, which being divided equally among them conform to agreement there pertained to the pursuer ' fiftie sparres at 4 s. the sparr and eight scoire of bougar staikes at 1 s. the peice, quheroff the said Stephan Merton, defender, without the said persewer his licence about 3 years since or therby did mak use of solded and dispo ned therupon at his pleasure ' ; several witnesses adduced, but they failed to prove the complaint.

*Eodem die* decerns Patrick Lukup, wright in Melrose, to pay to Agnes Ker, servitrix to Mr. Robert Maine of Lochwood, 8 l., with 6 s. for ' elding ' bought from her, the 8 l. being the price of ' ane timber stand bed ' intromitted with by the defender, which was bequeathed to the pursuer by deceased Christian Wilsone her mother ; defender absent ; 16 s. expenses.

*Eodem die* absolves William Boustoun, herd in Gattonside, from action by William Bell, portioner, narrating that the defender ' haveing all the sheip in the toune of Galtouns yd in herding to be keiped be him *anno* 1673 in



the outfeild heirdsell,' lost to the pursuer 'ane old sheip and ane hog' worth 6 l., because the defender denied all 'but a pocket hoge,' which being referred to his oath he deponed 'he compted for all except the forsaid pocket hoge which went doune Tweid, and that the persewer wanted noe more.'

*Eodem die* action by Robert Mein *alias* Tounhead, portioner of Newsteid, and James Edgar, fiscal, against Alexander Trotter in Newsteid who has maliciously and without warrant 'casten doune ane dyke pertaining to the said Robert Mein, persewer, lyand from the south eist nooke of his houss in Newsteid towards the burne ther,' and has also 'sued ane ashe trie pertaining to the said persewer growand ther and avowed to cutt the samen'; which dyke and tree should be declared to belong to the pursuer, and the defender ordained to repair the dyke, and be fined. The pursuers compearing personally, and the defender also, with George Wallace his procurator, the pursuers produced a report by sworn men of Newsteid, dated at Newsteid, 14 May 1675, finding the dyke and tree growing thereupon justly to pertain to the pursuer; signed A. M., Andro Mein, James Mein. The defender declared 'he did noe more but what he did in his fathers tyme,' and the pursuer referring the casting down of the dyke to his oath, the defender deferred to the pursuer, who deponed 'that he saw the said defender cast doune the forsaid dyke'; therefore the bailie interpones his decreet to the above report, and ordains the defender to mend the dyke, declares the tree to be the pursuer's, fines the defender in 10 l. and ordains him to remain in prison till it is paid.

*Eodem die* decerns Mark Kille in Lessudden to deliver to James Done, clerk of Kelso, factor to the Earl of Cardross, two bolls of bear, half a firloft of wheat, and three pecks of pease, Roxburgh measure, due by the defender to George Bullman in Longnewtoun, James Bullman, and the heirs and executors of deceased John Purves, his master, and arreisted in his hands for debt owing by them to the

pursuer ; defender confessed owing 2 bolls bear at the time of arreistment, and declared 'that the teynd off all his cornes was drawn,' but this he failed to prove in three terms assigned.

Melrose, 12 June 1675 ; Mr. Robert Maine.

Which day action by William Boustoune, weaver in Galtounsyde, against Alexander Trotter of Eister Housbyre, for delivery of  $1\frac{1}{2}$  bolls and a half peck of oats, Roxburgh measure, as the balance of 6 bolls and a full of oats and a threave of straw bought by the pursuer from him about Martinmas last, all paid for except 9 l. 2 s. 'for quhich the said defender hes recovered ane decreet against the said persewer.' Pursuer compearing by George Wallace, and defender by James Edgar, the pursuer adduced several witnesses, who failed to prove the libel, and the bailie absolves the defender from delivering the victual alleged to be still undelivered.

*Eodem die* decerns John Mein, maltman, portioner of Newsteid, to pay to Alexander Trotter of Eister Housbyre 42 s. as modified price of 3 half fulls of oats 'eaten and destroyed be the said defender his swyne in harvest last 1674' ; proved by witnesses.

*Eodem die* decerns Hew Wilsone, wright in Longhaugh, to pay to Thomas Merser in Eister Longlie 3 l. 12 s. for oats bought from pursuer at Martinmas last ; defender absent ; 9 s. expenses.

*Eodem die* 'decreett, Andro Penman in Melrois and fiscall *contra* John Letheid, *vide* the scroll theroff at lenth in the proces beirs.'

Melrose, 19 June 1675 ; Mr. Robert Maine.

Which day decerns John Lythgow in Newhouses to pay to Christopher Dods in Lauder 27 s. as the modified price of six quarters of gray, and 10 s. for an ell of white, as the

bounty of half a year's service wrought to the defender, at least to Marion Hall in Blainslie, which the defender promised to pay ; defender absent, pursuer deponed ; 9 s. expenses.

*Eodem die* decerns John Merser, ' Lochbreast,' in Bridgend, to pay to Peter Fratter, merchant in Edinburgh, 5 l. in ticket by defender to pursuer, 29 April 1674 ; defender absent, ticket produced ; 15 s. expenses.

*Eodem die* complaint by Alexander Trotter of Eister Housbyre and Barbara Eillies his mother against John Mein, maltman, portioner of Newsteid, narrating that the defender ' by his negligence at the least by the negligence off his servants in his name does dayllie and nightlie molest and trouble the saids persewers in the peaceable posession off their lands in Newsteid and dayllie and nightlie eats and destroyes ther cornes and grass growand therupon by the said defender his swyne.' The bailie ordains the defender to keep the pursuers scatheless, under a penalty of 5 l. Scots for each transgression.

Melrose, 26 June 1675 ; Mr. Robert Maine.

Which day decerns Andrew Fischer of Wester Housbyre to pay to Cornelius Nisbet in Dryburgh 2 l. 8 s. for four apple trees bought from the pursuer about two years ago ; defender absent, pursuer deponed.

Melrose, 3 July 1675 ; Mr. Robert Maine.

Which day decerns Charles Wattstone, sometime in Eister Longlie, now in Ridpeth, to pay to Andrew Stevinstone, now in Colmslie, sometime servitor to Thomas Bell, portioner of Eister Longlie, 9 l. due by the said Thomas Bell to the pursuer for services, and arreisted in Watson's hands ; defender confessed owing more than 9 l. to the said Thomas Bell ; 20 s. expenses.

*Eodem die* decerns the same to deliver to William Nottman in Threipwood, executor to deceased George Nottman his brother, 6*l.* due by said Thomas Bell to the defunct and arreisted as above; defender confessed; 14*s.* expenses.

*Eodem die* decerns the same, as cautioner for said Thomas Bell, to pay to William Broune in Cockleferrie 20 merks due by Bell to the pursuer for fees ‘and service’; defender confessed; 2 merks expenses.

*Eodem die* absolves John Dausone, younger, in Craixfuir, from action by James Dickson in Ligirtwood against him narrating that the defender ‘being heird in Mossehouses throw his negligence and evill heirding did suffer and permitt to be lost to the said persewer ane ewe hoge in anno 1671 pryce and worth 3*lib.* Scotts with her increass of lambes wolne and milke since the said year being fouer yeirs, *inde* twelffe punds, extending in the hail to the soume off fyftien punds Scotts.’ Referred to defender’s oath, who deponed negative.

*Eodem die* decerns Walter Cairncroce, fiar of Allanshawes, to pay to Alexander Home, burgess of Lauder, 17*l.* as a year’s rent and duty of a house in Lauder set by the pursuer to him and William Cairncroce of Allanshawes, his father, and possessed by them from Whitsunday 1673 to Whitsunday 1674; defender absent, pursuer deponed; 44*s.* expenses.

Melrose, 10 July 1675; Mr. Robert Maine.

Which day decerns Mallie Boustoune, widow of John Merser in Bridgend, to pay to William Mein, smith in Newsteid, 36*s.* for smith work made to the defender and her husband about a year ago; defender absent; 6*s.* expenses.

*Eodem die* decerns John Davidsons in Blainslie to pay to John Wallace, smith there, 4 merks as the modified price of a meikle full of bear, Roxburgh measure, ‘and to bring

home to the said persewer the number of tua loads of coalls within 15 dayes or mak payment to him of 16 s. therfor,' for smith work wrought to the defender about a year ago ; defender confessed.

*Eodem die* decerns Marion Trotter, widow and executrix to William Taitt in Ladopmuire, to pay to William Wilsone, weaver in Longhaughe, 100 merks of principal, 10 merks of expenses, and due interest, contained in Bond by deceased Anthony Murray, brother german of Sir William Murray of Newton, and said deceased William Taitt as cautioner for him, to the pursuer, 8 July 1659 ; bond produced, but the defender alleged that the pursuer had accepted of a posterior bond in satisfaction of the other, and referred it to pursuer's oath, who deponed ' he tooke not the last band lybellit in sattisfacione off the first.'

Melrose, 17 July 1675 ; Mr. Robert Maine.

Which day absolves Thomas Darleing, portioner of Blainslie, from action by John Thine, portioner there, for 24 s. as balance of a house maill in Blainslie possessed by the defender, Whitsunday 1674 to Whitsunday 1675, and 20 l. as the violent profits of ' ane haill onsteid of houses ' possessed by the defender without the pursuer's licence, from Whitsunday last to 10th July inst., ' and sicklyke the said defender suffers and permitts his horse to lye out nightlie upon the said persewer his cornes to his great prejudice.' The defender ' denyed the intrusione that he intruded him selffe in the posessione off the houss lybellit and that he was not lyable to delyver the key because he fand the key ther ' ; and the pursuer referring to his oath, he deponed ' he had nothing about the houss but a pair of old creills and tua mid tries lyeing within ane untheiked houss, and that he had neither straw nor beast in the forsaid houss lybellit ' ; so absolves, but decerns for the 24 s.

*Eodem die* absolves John Purves, tenant in Drygrange, from action by Thomas Merser in Eister Longlie for

5*l.* 10*s.* as balance of 30*l.* due, and 'ane slip of lining yairne' borrowed by the defender's wife from the pursuer's wife, price 10*s.* Defender deponed he was owing nothing to the pursuer, and had given another slip for that borrowed.

*Eodem die* decerns Thomas Lukup, wright in Melrose, and George Eillies, wright in Darnick, to pay to Charles, Earl of Haddington, and Mr. Robert Maine of Lochwood, his factor, 18*l.* 'as the prejudice off nyne couples off timber and other workmanshippe wrought be the saids defenders to the said persewer at his housses in Danzieltoun quhich sometyne pertained to John Andersone, rentaler theroff, and now to the said persewer, sustained be the said persewer therby,' the bailie having ordered Patrick Lukup and Archibald Frier, wrights, and Andrew Mar and John Mein, to visit and report, who found as above. The bailie declares the pursuer 'to be frie off the bargain and to imploy whom he pleased for making up the work againe.'

Melrose, 24 July 1675 ; Mr. Robert Maine.

Which day decerns Robert Eillies in Danzieltoun and Katherine Ormstoun his mother to pay to James Eillies, 'Walkerraw,' portioner of Melrose, 3*l.* 12*s.* as rent and duty of a yard in Danzieltoun possessed by the defenders, at 24*s.* yearly for three years ; and 6*s.* as a day's work promised by the defenders 'for the forsaid year' ; defenders absent, pursuer deponed ; 9*s.* expenses.

*Eodem die* decerns David Uns, portioner of Lessudden, to pay to Esther Skougall, widow of Mr. John Somervail, minister at St. Boswells, a boll of wheat at 17*l.*, a boll of bear or 16*l.*, 3 half fulls of bear with the fodder or 4*l.* 16*s.*, and 2 half fulls with 'ane old peck' of oats, all Roxburgh measure, or 3*l.* 18*s.* 4*d.*, with 10*l.* of penalty in a Bond, 31 August 1674, by defender to pursuer. Defender absent ; 4*l.* 10*s.* 8*d.* expenses.

*Eodem die* absolves John Brotherstones in Blainslie from action by William Scott in Smailholme, and James Edgar, fiscal, for his interest, narrating that the defender 'did most thifteouslie steall and away take from the said William Scott persewer at the least out off his creills from amongst some thirstles (under cloud off night upon the 15 day off July instant when the saids persewers and the said defender were baitting their horse togidder on the back of Soutrahill) when he was sleiping the soume off 4 lib. 8 s. 4 d. off turners which was putt into ane salt pock, and that the said defender tooke away the salt pock alsoe quherintill the samen money was.' The defender denied he stole the money 'but gott the samen for meall in Gallosheills and that he was going to Loudine and got ane occasione off bringing a woman from Fuirid under Lauder.' The pursuer offered to prove that the defender 'come over Soutray without any with him,' and adduced several witnesses, who deponed 'in manner mentioned in ther respective depositiones,' and an assise of 15 persons by the mouth of Francis Scott in Colmslie their chancellor found it proven that the defender 'brought ane woman from Soutrahill behind him.' The pursuer referred all to the defender's oath, who deponed he took not the money, 'and that he never desyred his mother Helen Greive to speak for ane aggriement'; so absolves.

*Eodem die* decerns and declares Robert Eillies in Danzieltoun fugitive and ordains his moveables to be escheated to the fiscal and discharges all persons in the regality to reset him, for failing to compear and answer for 'most thifteouslie and cunninglie stealing from Georg Eillies his brother the number of 8 ellnes off straikines quheroff their was 5 ellnes apprehendit, *item* mair 8 ellnes off plaiding and ane halfe quhich is lykewayes apprehendit be the said George Blaikie, officer, mair ane ellne off lining quhich the delinquent confest he maid use off, *item* mair ane fylle, ane whyte hefted knyffe, ane silk belt, all quhich is apprehendit be the said officer.'

Melrose, 27 July 1675 ; Mr. Robert Maine.

Which day indictment by James Edgar, fiscal, against John Davidstone, herd in Longshaw, who was 'indicted and accused for his thifteous stealling resetting and concealling off tua lambes from off the ground and lands off Longshaw upon the twelffe day off June last, the one pertaining to Francis Scott of Longshaw and the uther pertaining to Walter Clerk, his brother-in-law, and lyke-wayses for his thifteous stealling resetting and concealling off tua ewes with lamb in December last or therby from John Thine in Blainslie, which tua ewes brought forth tua lambes in his custodie thereafter, and the ewes were keilled with reid keill by him on the tail, all which the said John Davidstone, delinquent, hes allreadie judicillie confest in presence of famous witnesses ; and lykewayses being indicted and accused for his thifteous stealling resetting and concealling upon the — day off — last bypast or therby off tua hoges from the said John Thine, and off ane wadder sheip from — Forsyth in Williamlaw, and off ane other wadder sheip from James Moffett in Drygrainge, the names off the witnesses that were to be adduced against him for proveing off the forsaid indictment were William Davidstone in Blainslie and William Rollmainhouss there, William Davidstone in Longshaw and Henry Scott ther ; which indictment containing the names of the forsaid witnesses togither with the names off assysers that were to be upon the said John Davidstone, delinquent, his assyse, and the court was affixt to be holden this day, were all given to him in rolle be George Blaikie, officer and jaylor, upon the 12 day of July instant, who the verry nixt night thereafter maid his escaipe furth of the Theives holle off Melrois wher he was incarcerat.' The pursuer compearing and producing the indictment with execution of summons against witnesses, and the defender absent, the said George Blaikie declared he had broken prison on 13th July inst. and thereby taken the guilt upon him ; whereupon the bailie declares



him fugitive and discharges his reset and ordains his moveables to be escheated.

*Eodem die* decerns Francis Scott of Longshaw to deliver to John Mertoun in Bridgend a hog pertaining to him, delivered about Whitsunday 1674 to John Davidstone, delinquent, to be pastured on Longshaw's ground ; pursuer deponed the hog was his.

Melrose, 7 August 1675 ; Mr. Robert Maine.

Which day decerns James Feirgreive in Hagburne to pay to James Taitt in Pillmure 23 l. 4 s. as balance of a greater sum due to the pursuer for oats ; defender absent.

Melrose, 14 August 1675 ; Mr. Robert Maine.

Which day decerns William Ker of Braidwoodsheill to pay to James Loriemer in Birkinseyde 9 l. of fee, 22 s. modified for six quarters of gray, 13 s. 4 d. modified for 'ane old gray coatt,' as fee and bounty for half a year's service by the pursuer to the defender, Whitsunday to Martinmas 1674 ; defender absent, pursuer deponed ; and ordains the defender to find caution to answer the pursuer, before extracting, who found John Purves in Drygrange cautioner [*sic*].

*Eodem die* decerns George Eillies, portioner of Danzieltoun, to pay to Thomas Bowie in Melrose 50 s. for half a year's rent of the pursuer's houses in Darnick possessed by the defender about two years ago, and 3 l. as a year's rent thereof, and 8 l. 'for building off ane hous in Danzieltoune pertaining to the said defender about Pasch last' ; total, 13 l. 10 s. Defender absent, pursuer deponed ; 36 s. expenses.

Melrose, 21 August 1675 ; Andrew Mar, bailie-depute by dispensation of the Lords of Council and Session.

Which day decerns George Hoy, elder, carrier in Gattonside, to pay to John Hoy there 10 l. for a boll of seed

oats bought from the pursuer at seedtime last ; defender absent, pursuer deponed ; 26 s. expenses.

*Eodem die* decerns James Waughe in Newmaines of Danzieltoun to pay to James Eillies, ' Walkerraw,' in Melrose, 8 l. 3 s. 4 d. as balance of price of an ox bought from pursuer at Lammas 1674 ; proved by witnesses.

*Eodem die* decerns James Bowar, portioner of Eildoun, to pay to James Waughe in Newmainse of Danzieltoun 7 l. 12 s. ' as the pryce of 19 sheips grass which the said defender was ordained to paye be Andro Chisholme, Andro Renneldsone in Darnick, John and James Meins in Newsteid,' to whom the parties submitted the dispute ; referred to defender's oath, who deferred to pursuer, who deponed that the arbiters ordained payment of 19 sheep's grass ' at 4 lib. the soume,' and that the defender agreed. 15 s. expenses.

Melrose, 28 August 1675 ; Mr. Robert Maine.

Which day decerns William Turnbull in Bridgend to pay to James Edgar, fiscal, 13 l. 10 s. due by him to George Eillies in Darnick and arreisted in the defender's hands for payment of several sums contained in several decreets against George Eillies ; defender deponed he was owing only the above. Absolves Walter and John Usher, portioners of Darnick, from delivery of the corn, crop 1675, growing on two acres of land in Quarrelhill pertaining to said George Eillies and possessed by the defenders, and arreisted in their hands ; because they declared they were owing nothing to Eillies at the time of arreistment.

*Eodem die* absolves Thomas Rennick, servitor to Michael Fischer, portioner of Darnick, from action by the inhabitants and burleymen of Darnick against him ; ' *vide* the scroll of the said absolvitor at lenth in the proces.'

Melrose, 11 September 1675 ; Mr. Robert Maine.

Which day decerns William Wallace, John Bowar and Andrew Phaup, burleymen of the town of Melrose, for

themselves and on behalf of the rest of the inhabitants, to pay to John Halliwall, 'calsay-layer' in Edinburgh, 12 l. 16 s. 10 d. 'for layeing of 3 ruide and 3 quarters of a ruide wanting ane ellne at 5 merkis the ruide, and 8 s. 8 d. of rests unpaid,' as the bailie decerned 'incaice it sould be found dew after the measureing of the for-said calsay be Andro Mein in Newsteid and Patrick Lukup in Melrois, who accordinglie went and measured the samen and which was found be them dew to the said persewer.'

*Eodem die* recognosces, decerns and declares all and sundry lands, acres, houses, yards, teinds, muirs, meadows, and pertinents, lying in the regality of Melrose, which pertained formerly to Michael Fischer in Darnick and were by him sold and disposed irredeemably to James Scott of Boehill, to pertain and belong to Charles, Earl of Had-dington, and be used and disposed by him at his pleasure ; because James Edgar, procurator for the Earl, produced extract of Scott's sasine, and the defender answered that Scott had renounced the said Disposition and lands back in his favour, 10 September 1675 ; but Edgar replied that this proves that the lands were disposed, and as the renunciation contains neither procuratory of resignation nor precept of sasine the said James Scott stands last infeft. [The irritancy is not expressly mentioned.]

*Eodem die* decerns James Laidlaw, sometime servitor to James Waughe, now in Eildon, to pay to said James Waughe 3 l. 'for being fied with the said persewer to have served him from Midsummer last to Mertimes nixt, and within sex weiks thereafter deserted and left his service.' The defender alleged that the pursuer 'putt him to the doore and wold have noe more off his service and since syne did freily quyte him ' ; and adduced several witnesses, who failed to prove the same ; and referred to pursuer's oath, who deponed he did not 'put the defender out of the doore.'

Melrose, 25 September 1675 ; Mr. Robert Maine.

Which day decerns Thomas Rennick, servitor to Michael Fischer, portioner of Darnick, and Grizel Scott his mother, to pay to Thomas Huntar, merchant in Kelso, 40 s. for grass which the defender suffered Fisher's bestial to eat by reason of his evil herding ; but absolves from the corn and others alleged eaten ; witnesses proved the grass but no other ; 6 s. expenses.

Melrose, 16 October 1675 ; Mr. Robert Maine.

Which day decerns John Winter in Gattonside to pay to John Thomson, weaver there, and Thomas Boustoun, elder, there, 56 s. ' for proffeit off ane bargaine off oatts bought be the saids persewers and the said defender from William Fischer in Sorrowlessfeild in June last 1675 ' ; defender denied, referred by pursuers to the defender's wife and Thomas Burne their servant, who ' confest they hard of 50 s. and ane halfe peck off meall to take off it, and that ther was 4 s. betwixt them ' ; pursuer deponed 56 s. owing by the defender ' to him and Thomas Boustoun the uther persewer, who referred the wrongouslie intrometting with certaine peits estimat to 8 s. and strae to 4 s. to the said defender his oath of verritie *simpliciter*. ' 8 s. expenses.

Melrose, 23 October 1675 ; Mr. Robert Maine.

Which day action of declarator by John Thine, portioner of Blainslie, against John Sounhous, portioner there, who granted Bond, 1 December 1671, to the pursuer for 400 merks, and 50 merks of penalty, and obliged himself to infest the pursuer in security thereof in the half of his merkland in Blainslie called Thomas Lyall's land, with moss, muir, pasturage, etc., and in the event of nonpayment of interest at the terms due, the said John Thine was to enter to real possession of the said half merkland at his own hand, or the granter was to give him possession and warrant him therein, under pain of 100 l. over and above fulfilling the premises.

The bond was registered 7 December 1673 and decret given whereby the pursuer stands infeft in the said lands, conform to his sasine, 11 July 1673, registered at Jedburgh, 31 July 1673, signed by William Crombie, keeper of the register; and the pursuer required the defender to pay two years' interest or enter him to possession, as attested by notarial instrument, 13 October 1675, by James Peter, notary, and the defender refused or deferred to do the same, so declarator is' craved. The pursuer produced the foresaid evidents, and the defender being absent, the bailie decerns and declares that it is lawful for the pursuer to take possession and continue therein until the sums foresaid are paid.

*Eodem die* decerns the feuars and inhabitants of the parish of Melrose to pay to Andrew Mein, mason, portioner of Newsteid, their proportions 'contained in the stent rolle,' which is produced; defenders absent.

*Eodem die* decerns James Leithen in Galtonside to pay to William Anderson, merchant in Melrose, 4 l. 5 s. for merchandise furnished by him to the defender; defender absent; 12 s. expenses.

Melrose, 6 November 1675; Mr. Robert Mainie.

Which day decerns William Boustoun, weaver in Gattonside, to pay to George Frier in Galashiels 4 l. 16 s. for a stone of lint bought from the pursuer about a year ago; defender absent; 14 s. expenses.

*Eodem die* decerns Isobel Hynde, widow of Alexander Ridpeth, wright in Melrose, to pay to Archibald Frier, wright in Gattonside, 40 l. 'as ane years aliamment bed and board promitted be her to the said persewer'; defender absent; 4 l. expenses.

Melrose, 13 November 1675; Mr. Robert Mainie.

Which day decerns Thomas Merser in Eister Longlie to pay to John Moffet in Caldsheill 4 l. 18 s. as balance

of price of a white mare sold by the pursuer to him about five years ago ; 'because the said soume of 4 lib. 18 s. and denyed the rest (being 7 lib. contained in the lybell) John Hall who got right therto from the persewer referred the samen to the said defender his oath of verritie *simpliciter*, who deferred the samen [to] the persewers oath.'

*Eodem die* absolves John Ker in Melrose from action by Thomas Huntar, merchant there, narrating that the defender 'permitted to be lost to the said persewer 3 lib. Scotts off the foirend of 40 lib. intruisted be the said persewer to have bein caried be the said defender from Lauder upon the —— day off October last.' The pursuer referred it to his oath 'whither or noe he intruisted him with 40 lib. to carie from Lauder,' who deponed 'he tooke out 24 s. off turners and put in 24 s. of money, and did not wrong the defender in 2 d. Scotts.'

*Eodem die* decerns David Kille, 'Childrim,' portioner of Lessudden, to pay to Janet Uns in Moxpople 5 l. 6 s. 8 d. of harvest fee and bounty for service in harvest 1673 ; defender absent, pursuer deponed ; 12 s. expenses.

*Eodem die* action by John Halliwall, elder, maltman, portioner of Gattonside, against John Halliwall, 'Croce,' portioner there, for 100 merks for oats bought from the pursuer about sixteen years ago, with four years' interest, being 24 merks, extending in all to 124 merks. Pursuer compearing personally, with George Wallace his procurator, and defender also compearing, with William Lythgow his procurator, the pursuer referred to the defender's oath, who deponed he had paid for all the oats 'that ever he bought from him, yea twentie pund for the bolle' ; so absolves.

*Eodem die* decerns George Mein in Gattonside and Margaret Philip his spouse to pay to Andrew Mar, portioner there, 5 l. 10 s. for seed corn sold by the pursuer to them last spring ; defenders absent.

Melrose, 20 November 1675 ; Mr. Robert Maine.

Which day decerns John Sklaitter, portioner of Eildoun, to pay to John Mylne, portioner of Newtoun, 3 l. as the modified price of 2 lambs delivered to the defender in summer last to be 'spained'; defender confessed 'the lambs come to the toune and that they were stollen as he thought.'

*Eodem die* decerns Michael Fischer, portioner of Darnick, to pay to Thomas Hunter, merchant in Melrose, 4 l. 18 s. as the modified price of 3½ meikle fulls of oats, 33 s. 10 d. for 4½ copfulls of wheat, 1 l. 4 s. for grass, eaten on the lands of Cooksmeadow possessed by the pursuer, conform to estimate by Mark Blaikie and James Eillies in Melrose; pursuer deponed his own beasts were free thereof. The defender and George Wallace his procurator alleged a later comprising, but failed to produce it. 15 s. expenses.

*Eodem die* decerns William Mertone in Westhouses to pay to Agnes Mein, widow in Eildon, 1 l. 16 s. which the defender got from her for 'leitting' 6 ells of 'walked' plaiding, and to deliver the cloth or pay its price. Defender denied getting any cloth from her, but from Robert Mein, brother of Thomas Mein at Edinburgh, 'to delyver to him, which he did'; but confessed getting the money from the pursuer.

Melrose, 27 November 1675 ; Mr. Robert Maine.

Which day decerns William Boustoun, weaver in Gattonside, to pay to John Fischer and Andrew Merser, portioners of Darnick, 35 l. 6 s. 8 d. for 2 bolls and 2 small fulls of oats and a boll of bear bought from the pursuers in March last; defender absent; 3 l. 14 s. expenses.

*Eodem die* decerns John Hall in Blainslie to pay to Robert Pringle, lawful son of deceased William Pringle there, 4 l. 2 s. due by the defender to said deceased

William, who died in October last; defender absent; 12 s. expenses.

*Eodem die* decerns William Sklaitter in Newsteid to pay to James Leithen in Gattonside 5 l. 10 s. of fee from Martinmas 1674 to Whitsunday 1675, and 23 s. from Whitsunday 1675 to Lammas next 'and a litle thereafter'; referred to defender's oath, who deponed 'he led the persewer 8 loads of peitts of bounteth and 24 s. for leiding off turfes' [*sic*].

Melrose, 4 December 1675; Mr. Robert Mainie.

Which day absolves Janet Uns, daughter of John Uns, tailor in Lessudden, 'from the exceptione propponed be James Turner in Drybrughe contained in his depositione, viz. that he offered to prove that at the tyme the said Jennet was in his service whatever flower or meall shoe gotte to mak readie to the use off his famillie she stealled pairt of it,' and William Andersone, merchant in Melrose, became cautioner for his proving the same, who adduced several witnesses, but their depositions do not prove the assertion; and the bailie fines Turner 10 l.

*Eodem die* decerns Andrew Cairncroce of Wester Longlie to pay to Christian Hill, servitrix to Mr. Charles Ker of Abotroulle, 9 l. 4 s. as fee and bounty for half a year's service, Martinmas 1673 to Whitsunday 1674; defender absent, pursuer deponed; 24 s. expenses.

*Eodem die* decerns Nicol Cairncroce in Hilslope to pay to Andrew Mar, portioner of Gattonside, 4 l. 16 s. for 3 fulls of bear bought from the pursuer at Lammas last; defender absent; 10 s. expenses.

*Eodem die* decerns Thomas Wilkiesone, clerk of the regality, to deliver to Thomas Bunzie in Melrose a bond in his keeping granted by Alexander Mein, mason in Newsteid, to deceased Janet Mein, 'goodam' to the pursuer, in liferent, and to the pursuer in fee, for 24 l. Scots, dated —; defender confessed having the same.



Melrose, 11 December 1675 ; Mr. Robert Maine.

Which day decerns William Ker, Thomas and John Mylne in Newton, to deliver as follows to Charles, Earl of Haddington, Ker 3 bolls of bear, the others 6 firlots of bear each, due by them to John Ker of Shaw and arreisted at the Earl's instance ; defenders confessed. Absolves James Laidlaw in Newton for his ferm bear due to said John Ker, because he produced a discharge therefor from Ker dated 26 November 1675 and made faith thereupon.

Melrose, 18 December 1675 ; Mr. Robert Maine.

Which day decerns James Turner in Dryburgh and William Andersone, merchant in Melrose, his cautioner, to pay to Janet Uns, daughter of John Uns, tailor in Lessudden, 4 l. for a half year's fee, and 12 s. for a pair of shoes, 8 s. for an ell of linen, and 6 s. for an ell of harden, as the bounty thereof, because she was feed to have served him from Martinmas 1674 to Whitsunday 1675 and entered to his service, but a little thereafter he put her away without any offence or just cause ; defender confessed the agreement ' and that he put the said defender [*sic*] out of his service.' Absolves him and his cautioner from the rest of the libel, viz. 40 l. for the defender's [*sic*] aliment.

*Eodem die* absolves Archibald Frier, wright in Gattonside, from action by Thomas Moffet, portioner there, against him. '*Vide* the scroll off the samen at lenth in the proces.'

Melrose, 24 December 1675 ; Mr. Robert Maine.

Which day decerns John Fischer, portioner of Darnick, to pay to Charles, Earl of Haddington, the half of the feuduties payable from the acres of land sometime pertaining to Michael Fischer, portioner there, and

arreisted in his hands as due to the Earl by Eupham Fischer, one of the executors confirmed to deceased Grizel Scott her mother; defender confessed owing as much to her as will pay the half of the feuduties.

Melrose, 1 January 1676; Mr. Robert Maine.

Which day decerns Andrew Fischer of Wester Housebyre, to pay to Charles, Earl of Haddington, the ferm bear, wheat, and feuduties, arreisted in his hands, due by Michael Fischer, his brother, to the Earl; defender confessed owing as much as would pay the same.

*Eodem die* action by Andrew Mar, portioner of Gattonside, and Adam Somervail, in Lilestoun, curators to Alison Hog, only lawful child of deceased Robert Hog in Craigend, against James Hoge in Craigend, her uncle and nearest of kin on the father's side, and Simeon Waderstone in Over Houden, her uncle and nearest of kin on the mother's side, to concur in making up inventory of the estate, in terms of Act 2, Session 3 of the second Parliament of King Charles I. Both parties compearing, the defenders absolutely refused to concur unless the curators left out of the inventory the third article thereof bearing the sum of 908 l. 13 s. 4 d. contained in a testament dative *ad omissa* of the minor's deceased father's goods given up by the said James Hoge and confirmed by the commissaries of Edinburgh on — August 1663, and the pursuers declared they could not omit the same, as the testament was standing in force unreduced; so the bailie ordains inventory to be made up by the curators with advice and consent of James Edgar, portioner of Melrose, and three copies to be subscribed and delivered and deposited as required by the said act of Parliament.

Melrose, 8 January 1676; Mr. Robert Maine.

Which day decerns David Uns, portioner of Lesuden, to pay to David Kyle 'Chyldrem' there and Janet Kyle his spouse 8 l. 12 s. 'for sheep,' conform to depositions of

John Scot in Bouden and John Cochrane in Lessuden, witnesses adduced by the pursuers; and for proving the rest of the libel the bailie assigns them 10th February next.

*Eodem die* decerns Thomas Lythgow, portioner of Melrose, and Elizabeth Scot his spouse, to pay to Andrew Penman there, and Bessie Hoge his spouse, 5 l. 8 s. as the balance of 'ane years nurss [?] fie'; defender confessed this, and denied the rest of the libel. Absolves from the rest.

Melrose, 15 January 1676; Mr. Robert Maine.

Which day decerns John Hoge, weaver in Melrose, to pay to William Shillinglaw in Clakmae 6 l. 5 s. for 1 stone 6 lb. weight of wool bought from the said William at Lammas 1674; defender absent.

*Eodem die* decerns Alexander Sheill in Craiksfurd to pay to James Sheell, tacksman of the mills of Ersiltone, and assignee to Mr. John Lythgow, portioner of Ridpeth, the double multure of the oats abstracted from the mills of Ridpeth, 'to quhich thirle the said James Sheill is assigned be the said Mr. John'; referred to defender's oath, who deponed negative 'as to his growing and got a boll of oats from John Purves and brought it for his work'; so the bailie decerns in manner foresaid [*sic*] and modifies 'ane copfull and a halfe of meall.'

*Eodem die* decerns Thomas Merse in Eister Langlie to pay to Robert Troter in Scarlaw in Lamer Moore 10 l. 10 s. for pasturing and grassing 80 lambs in the year —; defender confessed 70 lambs and denied the rest. Pursuer adduced James Moffet, who deponed there were 40 of Drygrange's, but whether 30 or 40 of the defender's he did not know. 'The said Thomas Merse being present and sworne deponed ther about 30 of his and that they [*sic*] 3 s. ilkane and that he payed tua dollers to his man of it, quhich he refered to his oath. The said Robert Troter being present and sworne deponed he never received the 2 dollors nor lost none of his lambs.' 28 s. expenses.

*Eodem die* decerns Margaret Blaikie, widow of George Mudie, portioner of Darnick, to pay to John Wilsone 'beyond the Greine' in Galashiels 4 merks as balance of price of oatmeal bought by her and her husband from the pursuer; defender absent, pursuer deponed.

Melrose, 22 January 1676; Mr. Robert Maine.

Which day decerns Thomas Meine in Eildon to pay to John Bryden in Lesuden 2 l. 6 s. 8 d. as the balance of three half years' fee wrought for by Agnes Briden; referred to defender's oath, who deponed he was resting nothing to the pursuer but 3 l. 6 s. 8 d. and alleged he wanted 45 days' service of the pursuer, who being present confessed 'shoe was not able to make service.' The bailie modified 20 s. for the 45 days.

*Eodem die* absolves Thomas Huntar, merchant in Melrose, from action by Michael Gibsone, flesher there, who on 16 December last bought from Hunter four 'wader' sheep at 4 l. 6 s. 8 d. apiece, two of them to be delivered at Yule and two on 1 January inst. and gave him 6 s. 8 d. of earnest, and their condition was that Gibson 'should take the forsaied 4 wader sheep sua bought out from amongst eight sheep perteaning to the said Thomas and quhilks were pasturing upon the ground and lands of Melrois.' Defender confessed the bargain, and alleged he offered the four sheep 3 or 4 times upon payment, and adduced Thomas Law and Andrew Olipher, who both deponed to hearing the defender offer the sheep to the pursuer 2 or [3] days before Yule, who answered 'the tyme was not come.' The pursuer referred delivery of the sheep to the defender's oath, who deponed 'he keiped the sheip to the tyme lybellit and offered them to the persewer at the tyme lybellit conforme to ther agriement.'

*Eodem die* action by William Bell, portioner of Gattonside, and James Edgar, fiscal, for his interest, against Thomas Moffet, portioner of Gattonside, who on October last took violent possession of a rig of land in Gattonside

pertaining to the pursuer and possessed by him for the last 50 years without interruption, and has tilled, sown and harrowed the same, and so ought not only to remove, and repossess the pursuer, but be fined conform to his fault. Both parties compearing, the defender confessed possession but alleged that the pursuer 'gave over the same to him,' and adduced several witnesses, who failed to prove it; so decerns him to repossess the complainer therein, and pay to the fiscal 10 l. of fine.

Melrose, 29 January 1676; Mr. Robert Maine.

Which day by commission from the provost and bailies of Edinburgh to the said bailie depute of regality dated 31 December 1675, to take the oath of Cornelius Nisbet, gardener in Dryburgh, as to what he owed to George Cockburne, baker in Edinburgh, the said Cornelius compeared, and being asked 'if he was awand to the said George Cockburne the said soume of 10 l. Scots or more, deponed he was resting awand nothing to the said George Cockburne nor never was all his life.'

*Eodem die* decerns Andrew Wilsone, mason, portioner of Newsteid, to pay to James Edgar, fiscal, 50 l. of fine for blooding and striking Robert Bunzie, mason there; defender absent, held as confessed.

*Eodem die* decerns William Sueit in Eilliestone to pay to Patrick Mark in Lessudden 4 l. 9 s.; defender absent, held as confessed; pursuer deponed.

Melrose, 5 February 1676; Mr. Robert Maine.

Which day decerns Isobel Hall, Thomas Darling, younger, in Blainslie, Thomas Darling there, Walter Donaldsone, and John Smyth, to pay to — 29 l. 3 s. according to their respective proportions contained in an account; defenders all absent; expenses 3 s. for each £ of principal.

*Eodem die* decerns Andrew Oliphar in Melrose to pay to Michael Gibsone there 3 l. 6 s. for tallow and others furnished by him to Oliphar; defender absent.

*Eodem die* complaint by James Edgar, fiscal, against John Coit, officer of Lessudden, John Mylne, officer of Newtone, John Sclaiter, officer of Eildone, John Meine, officer of Newsteid, George Blaikie, officer of Melrois, Andrew Chisholme, officer of Darnike, Andrew Mar, officer of Galtonsyde, and Andrew Kennedie, 'officer of the High lands of Melrois land,' craving that the bailie would 'in all tyme heirefter discharge the saids officers and ther successors in ther offices from seting of any march stones betuixt neighbour and neighbour in ther respective bounds untill first the partie greived make applicatione to the baillie and the court of ther greivance and the baillies reference to the suorne men and uthers who best knowes the verity in the plaice, and efter they have visited the same and reported the persone that hes done wrong may be punished and the same remayne *in retentis*, and lyke-ways give in ther executione against all persones they sumond for the leidges and the courts warrand as the shereife officers and uthers doeth.' The bailie 'discharged the officers from setting of march stones heirefter efter the actione is intended or except both parties concerned consent, and ordained the samyne to be ane act of court.'

Melrose, 12 February 1676; Mr. Robert Maine.

Which day decerns William Eccles in Newtone to pay to Mark Blaikie, portioner of Melrose, 4 l. 5 s. 4 d. 'for several particulars'; defender denied, but it being referred to his oath he refused to depone.

Melrose, 19 February 1676; Mr. Robert Maine.

Which day absolves Janet Huntar, widow of John Pringle in Soutrahill, and Thomas Borthwicke in Creichtounedeane, now her husband, and John Huntar, cordiner in Melrose,

their cautioner, from action by Thomas Huntar, younger, portioner of Lessudden, and Isobel Fischer his spouse, against them. ‘*Vide* the scroll of the samyne at lenth in the proces.’

*Eodem die* decerns James Waugh in Newmaynes of Danzieltone to pay to Michael Gibsone in Melrose 9 l. 7 s. or allow the same in the fore end of 9 l. 11 s. of principal and 36 s. expenses contained in a decreet obtained by the defender against the pursuer, 26 March 1674, and the pursuer to pay the surplus. Complaint proved by witnesses; 14 s. expenses ‘besyde the ordinar.’

*Eodem die* decerns George Wallace, notary in Melrose (and John Ker of Shaw for his interest) to deliver up to Thomas Wilkiesone, clerk of Melrose, a Tack made between said John Ker, defender, and Thomas Huntar, merchant in Melrose, dated — February 1674, of an acre of land in the Quarrelhill with the pertinents, his writing fee being paid, so that the deed may be registered and both parties have extracts; Ker absent, Wallace confessed having the deed.

*Eodem die* decerns James Lyndsay in Galtonsyde to pay to John Andersone, portioner of Ridpeth, 10 l. 4 s. as balance of price of bear bought from pursuer in 1675; defender absent, held as confessed, and pursuer deponed, ‘except tuo dayes casting of turfes and four dayes threshing, for quhich the baillie modified 10 s. for the turfes and 16 s. for the threshing to be deduced.’

Melrose, 26 February 1676; Mr. Robert Maine.

Which day decerns John Uns, tailor in Lessudden, to pay to Janet [?] Adamsone in Bouden 8 small fulls of bear, or 8 l. as the price thereof, as a year’s ferm of an acre of land there set by the pursuer to the defender, *anno* 1675, and payable between Yule and Candlemas last; defender confessed.

*Eodem die* decerns George Blaikie in Melrose to pay to John Fischer and Andrew Merser, portioners of Darnike, 40 s. as his proportion of the agreed price of a half boll of malt bought by him from them about two years ago ; referred to defender's oath, who deferred to pursuer's oaths, who adduced Thomas Bowie and James Lamb as witnesses, and proved the claim.

*Eodem die* decerns James Atchiesone in Clakmae to pay to William Shillinglaw there 11 l. 4 s. for certain particulars ; and absolves from the rest acclaimed. Referred to defender's oath, who deponed ' as his depositione beirs.'

*Eodem die* decerns John Meine, multurer in Newsteid, to pay to Alexander Troter of Eister Housbyre and Barbara Eillies, his mother, 24 l. Scots for damage done by the defender's swine, and also a fine of 10 l. The bailie remitted the matter to Andrew Mar, Andrew Chisholme, John Mylne and John Sclaiter, who gave in their report.

Melrose, 4 March 1676 ; Mr. Robert Maine.

Which day decerns Thomas Hunter, merchant in Melrose, to pay to George Blaikie, officer there, 43 s. for certain particulars ; because Blaikie being asked if he got payment from James Hunter, deponed negative.

*Eodem die* decerns George Pringle in Lessudden to pay to Mark Kyle there 4 merks as the price of ' ane gimer sheep ' worried and killed by the defender's dog ; and absolves from the rest of the complaint. Pursuer adduced John Stodart, herd, who deponed ' he saw the defenders doge eating ane of the persewers sheep lybellit but knawes not if he wirried it or any moe and that it was befor Mer-times gaine three years.'

Melrose, 11 March 1676 ; Mr. Robert Maine.

Which day decerns John Moss and Andrew Renneldsone, portioners of Darnike, and burlamen, for themselves and



the rest of the inhabitants, to pay to Andrew Kennedie, portioner there, 34 s. for certain particulars ; Renneldsone denied owing the pursuer anything, but pursuer answered ' by the oath he had made at his admittance the tounie imployed him and was resting him the soumes lybellit.'

*Eodem die* decerns James Boustone *alias* Wynd in Galtonside to pay to John Halywall, elder, maltman, portioner there, 18 l. borrowed from the pursuer about twelve years ago ; referred to pursuer's oath, who deponed the defender was and is owing 18 l. and four years' interest, and denied that the defender's wife paid him 4 l. of it by drink ; 40 s. expenses.





# REPORT OF THE TWENTY-SEVENTH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

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THE TWENTY-SEVENTH ANNUAL MEETING OF THE SOCIETY was held in Dowell's Rooms, Edinburgh, on 6th December 1913, —Sir James Balfour Paul, Lyon King of Arms, presiding.

The SECRETARY read the Report of the Council as follows:—

During the past year seven members have died, and eleven have resigned.

The list of applicants for Membership is exhausted, and sixteen vacancies remain unfilled. This happily unprecedented state of affairs is, in the opinion of the Council, mainly due to the serious delays in the issue of the Society's publications. Special efforts are being made to overtake all arrears, and it is hoped that the Society may speedily regain what it has thereby lost of public confidence.

The *Scots in Poland*, which ought to have appeared in 1907-1908, is now all, including the Editor's Introduction, in type, and may be counted on to appear in course of the current financial year.

Mr. W. B. Blaikie's *Origins of the '45*, promised for 1909-1910, is unfortunately not yet ready, but the Council earnestly hope that the delay will not be much longer.

The first issue for 1910-1911, *Accounts of the Chamberlains and Granitars of Cardinal David Beaton*, is the only volume issued since the last General Meeting.

The Council have decided to rearrange the authorised forthcoming publications of the Society so that those which it has been found practicable to complete at earlier dates may

not be kept waiting for others which from various causes require longer to produce. Accordingly, the second issue for 1910-1911 will be Mr. J. R. N. Macphail's *Highland Papers*, volume i., which is all in print, and the Index in preparation.

For 1911-1912 the first issue will be Mr. Romanes' *Selections from the Records of the Regality of Melrose*, volume i., of which the text is all in print and the Introduction nearly ready. The second issue for that year will be *Selections from Bailie John Steuart's Letter Book*, formerly announced for 1910-1911.

The books for 1912-1913 will be (1) Mr. J. S. Clouston's *Records of the Earldom of Orkney*; (2) the second volume of *Wariston's Diary*.

All the above-named books are well advanced at press.

For the current year, 1913-1914, it is proposed to issue—

1. *Highland Papers*, volume ii., edited by J. R. N. Macphail, K.C.

2. *Rentale Dunkeldense*, being the Accounts of the Chamberlains of the Bishopric of Dunkeld, A.D. 1506 to 1517, from the MS. in the Advocates' Library, edited by R. K. Hannay.

Sir James Balfour Paul has undertaken to edit for the Society a volume of letters written by the Earl of Orkney during Marlborough's campaigns; and other important MSS. are under consideration.

The Members of Council retiring by rotation are Mr. C. S. Romanes, Sir G. M. Paul, and Mr. Ralph Richardson. It is recommended that the two former be re-elected, and the remaining vacancy filled by the election of Mr. R. K. Hannay.

Mr. A. F. Steuart, owing to illness and the prospect of a prolonged absence from Scotland, has placed his resignation as Joint Secretary in the hands of the Council. It has been accepted with great regret, and with an expression of the Council's sense of the great value of his services to the Society.

At request of the Council Mr. R. K. Hannay, Curator of the Historical Department in H.M. Register House, has kindly consented to act as assistant Secretary *ad interim*.

The Accounts of the Hon. Treasurer, of which an abstract is appended hereto, show that the balance in the Society's favour on 11th November 1912 was £850, 7s., the income for 1912-1913 £534, 14s. 11d., the expenditure £408, 5s. 4d., and the credit balance on 11th November 1913 £976, 16s. 7d.

The CHAIRMAN, in moving the adoption of the Report, said he did not see why he should have been put in the forefront of the battle, for he was in the unfortunate position, for the first time in the case of any chairman of a meeting of the Society, of having to come before it in a somewhat apologetic mood. He wished the duty could have been relegated to the President of the Society (Lord Rosebery), whose words, always so charming, would have disarmed any criticism. He had to confess that the Society's work was too much in arrear. But that arose from a series of circumstances over which neither the Secretary nor the Council had any control. Both had done their utmost to stir up lagging editors, but circumstances had been too much for them. However, they hoped to overtake the whole arrears this year, and in the meantime they had got two volumes printed, to which he should presently allude; and the *Scots in Poland*, which had been hanging fire for a long time, was now, as they would see from the Report, printed, and (as the Council hoped) to be issued this year. As for Mr. Blaikie's *Origins of the 'Forty-Five*, he could only say that he hoped that Mr. Blaikie, who was the acknowledged master of that period, would be able to give them it as soon as he had discovered the last button of Prince Charles's waistcoat, and had sewed it on. Coming to the books that were on the eve of publication, he had them on the table before him, and he should in the first place call their attention to the volume of *Highland Papers*, edited by Mr. Macphail. It was a very interesting book. In the first place, they had there a history of the Macdonalds, containing a great deal of information as to the manners and customs of the clan, and throwing much light upon the personal characteristics of the various individuals mentioned. Then they had a history of the Macnaughtons, and a short account of the family of Calder.

After that they had a long series of papers relating to a very strange event—the murder of the laird, John Campbell of Calder, in 1592, by Campbell of Ardkinglass. The most curious thing about this was that it was the result of the same plot which led to the murder of the Bonnie Earl of Moray, at Donibristle, and the two assassinations were effected within a few days of each other. After that they had a paper on the genealogy of the Macras or Macraes, in which they were told of a Constable of Eilan Donan of earlier date than the one of whom they had more recently heard so much, and would find quaint personal sketches of several members of the clan. The volume closed with a series of papers relating to the Macleans of Duart, a clan which had always held an important position in the West Highlands.

Turning to the other work before him, the *Records of the Regality Court of Melrose*, edited by Mr. Romanes, he might say that it was a very interesting record, extending from 1605 to 1651, of one of those local Courts in which much genuine if rough justice was administered. If there were no such exciting passages in this book as in the one of which he had been previously speaking, in which all the Ten Commandments were broken, there was, on the other hand, a most instructive account of the condition of the people in the more settled parts of Lowland Scotland. The cases adjudicated upon were mainly concerned with debts, occasional but not numerous brawls, the registering of certain Bonds, and Indentures of apprentices. There were many persons and places mentioned in the record which could not fail to be of great use to the student of family history or local topography.

Sheriff SCOTT MONCRIEFF seconded the motion. They all, he said, regretted the retirement of Mr. Francis Steuart from the assistant secretaryship, in which position he had done much good work.

Mr. GEORGE LORIMER directed attention to the fact that the Burgh Record Society was now extinct, and asked if it would not be expedient to approach some of the Town Councils in Scotland with the view of arranging to assist them with the publication of their records. The subject was remitted to the Council for consideration.

A vote of thanks to the Chairman, proposed by Mr. TRAQUAIR DICKSON, W.S., terminated the proceedings.

# ABSTRACT OF THE HON. TREASURER'S ACCOUNTS

*For the Year ending 15th November 1913*

## I. CHARGE.

### I. Balance from previous year—

(1) In Bank on Deposit Receipt, £800 0 0	
(2) In Bank on Current Account, 50 7 0	
	<hr/> £850 7 0

### II. Subscriptions, viz.—

(1) 394 subscriptions for 1912-13, £413 14 0	
1 in arrear for 1910-11, . 1 1 0	
12 in arrear for 1911-12, . 12 12 0	
	<hr/> £427 7 0
Less 30 in arrear and 8 in advance for 1912-13, 39 18 0	
	<hr/> 387 9 0
(2) 93 Libraries, . . . £97 13 0	
4 in arrear for 1911-12, . 4 4 0	
2 in advance for 1913-14, . 2 2 0	
	<hr/> £103 19 0
Less 2 in arrear for 1912-13, 2 2 0	
	<hr/> 101 17 0

III. Copies of previous issues sold to New Members, 12 15 6

IV. Interest on Deposit Receipts, . . . 32 13 5

Sum of Charge, . . . £1385 1 11



## II. DISCHARGE.

I. *Incidental Expenses*—

(1) Printing Cards, Circulars, and Reports, . . . . .	£7	7	0
(2) Stationery and Receipt Book, . . . . .	1	14	6
(3) Making-up and delivering Publications, . . . . .	11	16	8
(4) Postages of Secretaries and Treasurer, . . . . .	4	12	2
(5) Clerical Work and Charges on Cheques, . . . . .	2	7	9
(6) Hire of Room for Annual Meeting, . . . . .	1	6	0
	<hr/>		
		£29	4 1

II. *Rentale Sancti Andree*—

Composition, Printing, and Paper, 535 copies, . . . . .	£70	11	0
Proofs and Corrections, . . . . .	23	16	0
Facsimile Reproductions, . . . . .	5	7	0
Binding Stamps, . . . . .	0	13	6
Binding 535 copies, at 8d. per copy, . . . . .	17	16	8
Indexing, . . . . .	6	10	0
	<hr/>		
	£124	14	2
Less paid to account—			
Oct. 1912, . . . . .	52	13	0
	<hr/>		
		72	1 2

III. *Papers relating to the Scots in Poland.*

## Expense to date,—

Composition, . . . . .	£81	6	0
Corrections, . . . . .	38	6	0
Engraving Map, . . . . .	5	5	0
	<hr/>		
Carry forward, . . . . .	£124	17	0
	£101	5	3

Brought forward,	£124	17	0	£101	5	3
Less paid to account—						
Oct. 1908, .	£77	17	0			
Oct. 1909, .	12	5	0			
Oct. 1910, .	7	2	0			
Oct. 1911, .	7	16	0			
			105	0	0	
					19	17 0

IV. *Miscellaneous Narratives relating to the '45.*

Expense to date,—						
Composition, . . . . .	£58	13	6			
Corrections, . . . . .	38	14	6			
			£97	8	0	
Less paid to account—						
Oct. 1910, .	£39	12	6			
Oct. 1912, .	52	19	6			
			92	12	0	
					4	16 0

V. *Johnston of Wariston's Diary, Vol. II.*

Expense to date,—						
Composition, . . . . .					20	5 0

VI. *Miscellaneous Documents relating to the Highlands.*

Expense to date,—						
Composition, . . . . .	£52	5	0			
Corrections, . . . . .	32	8	0			
Transcribing, . . . . .	33	6	7			
					117	19 7

VII. *Selections from the Letter Book of Bailie John Steuart.* Expense to date,—

Composition, . . . . .	£22	18	0			
Corrections, . . . . .	4	14	0			
Transcribing, . . . . .	20	0	0			
					47	12 0
Carry forward, . . . . .					£311	14 10

Brought forward, . . . .	£311	14	10
VIII. <i>Orkney and Shetland Writs</i> —			
Composition, . . . .	£29	11	0
Corrections, . . . .	4	6	0
			<hr/> 33 17 0
IX. <i>Melrose Regality Books</i> —			
Composition, . . . .	£51	10	0
Corrections, . . . .	11	3	6
			<hr/> 62 13 6
			<hr/> £408 5 4
X. <i>Balance to next account</i> —			
(1) On Deposit Receipt, . .	£950	0	0
(2) On Current Account, . .	26	16	7
			<hr/> 976 16 7
Sum of Discharge, . . . .	£1385	1	11

EDINBURGH, 27th November 1913.—Having examined the Accounts of the Hon. Treasurer of the Scottish History Society for the year ending 10th November 1913, of which the foregoing is an Abstract, we find the same to be correctly stated and sufficiently vouched, closing with a balance of £976, 16s. 7d. in Bank, whereof £950 is on Deposit Receipt, and £26, 16s. 7d. is on Current Account.

RALPH RICHARDSON, *Auditor*.  
WM. TRAQUAIR DICKSON, *Auditor*.

# Scottish History Society



## LIST OF MEMBERS

1914-1915

## LIST OF MEMBERS

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 Macdonald, Ronald, National Bank Buildings, Portree.  
 Macdonald, W. K., Windmill House, Arbroath.
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- Mackay, William, LL.D., Solicitor, Inverness.
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- MacRae-Gilstrap, Major, Newark-on-Trent.
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