

XXXVI.—*A Decreet of Spulzie, granted by the Lords of Council to William Bruce of Symbister in Zetland, against Patrick, Earl of Orkney, 4th of February 1609.*

Communicated, with Remarks, by DAVID LAING, Esq., Treasurer.

[Read to the Society 24th January 1848.]

The oppressive and tyrannical course pursued by Patrick, Earl of Orkney, who flourished in the early part of the seventeenth century, has conferred on him an unenviable degree of notoriety. It would be unnecessary to enter fully into his history, since Dr Hibbert, in his Description of the Shetland Islands, has devoted considerable research in investigating the subject; and Mr Pitcairn, in his valuable collection of Criminal Trials, has more recently exhibited a very curious and interesting series of extracts connected with the proceedings instituted against the Earl and his adherents. The letters, depositions, and other papers relating to the Grievances of the Orkney and Zetland Islands, between 1570 and 1616, would, in fact, if collected, require a separate volume. I shall therefore only refer to such particulars as may be required to illustrate a very curious document, hitherto unpublished, which I beg to lay before the Society, from the official extract belonging to John Bruce of Sumburgh, Esq., and obligingly communicated by Captain Thomas Fraser, R.N., Portobello.

Patrick, second Earl of Orkney, was the second son of Lord Robert Stewart, a natural son of King James the Fifth by a daughter of Lord Elphinstone. Lord Robert, while still a mere youth, was appointed Commendator of the Abbey of Holyrood. In the year 1559, he joined the Reformers. His sister, Mary Queen of Scots, conferred upon him a grant of the crown lands of Orkney and Zetland, 26th May 1565.¹ Four years later he ex-

¹ In the Register of Signatures, we find the Signature for a Charter under the Great Seal "to hir Majesties derrest bruther Robert Stewart of Strachown kny^t and to his airis, &c., of all and hail the landis of Orknay and Zetland with all and sindrie the Ylis pertening and belangand thairto, with all and sindrie castellis, towris, fortaliceis, woddis, mylnis, multuris, fischeingis," &c. for the sum of 3000 merkis, dated 26 May 1565.

changed his Abbacy of Holyroodhouse with Adam Bothwell, for the temporal estates of the Bishoprick of Orkney; and this transaction was ratified by a charter under the Great Seal, dated 25th September 1569. In 1581, King James erected these lands in Orkney and Zetland into an earldom. The Earl, who usually resided at his Castle of Birsay, was thus entitled to collect the Bishop's tythes along with his own revenues: but he was accused of so much rapacity and cruelty, that the King revoked his grant; yet with some short interruptions, the estates remained in the possession of his family, which continued to provoke frequent complaints against their unlawful exactions.

Adam Bishop of Orkney died on the 23d of August 1593, and was buried in the south aisle of the Abbey Church of Holyrood, where a mural inscription to his memory still remains; but during the ascendancy of Presbytery, the See remained vacant till March 1605, when James Law, minister of Kirkliston, was appointed his successor. Robert Earl of Orkney died about the year 1592. His eldest son Henry having predeceased him, Patrick succeeded to the title and estates. He had a charter, containing a new grant of the Earldom of Orkney and Lordship of Zetland, dated on the 1st of March 1600. On the 15th of that month, he also obtained a charter of the Episcopal lands of Orkney. He appears to have resided at this time in the Islands; having built the Palace usually known as "the Earl's Palace," now in ruins, near St Magnus's Cathedral, Kirkwall; and an inscription cut in stone above the entrance gate of Scalloway Castle, near Lerwick, records the fact that it was built by him in the year 1600.¹

Bishop Law arrived in Orkney soon after his promotion, and proceeded to vindicate his own rights. Earl Patrick, however, who had for several years appropriated the tithes for his own use, was not inclined to relinquish them, alleging the exchange that had taken place between his father and Bishop Bothwell.—"It was in vain for Bishop Law to urge, that a private bargain between two individuals, respecting situations tenable only during their lifetime, could not be understood to extend to their successors.

¹ The Castle of Scalloway is also now in ruins. Dr Hibbert speaks of it as having fallen into decay after Earl Patrick's death; and he mentions that it was built of freestone brought from Orkney. It is finely situated at the head of a small bay, sheltered from the violence of the sea by different islands, which greatly contribute to the beauty of the scenery.

Patrick had already enjoyed the revenues of this rich clerical benefice, and was unwilling to renounce his claims to the means of extravagance, now that his increasing dissipation had overwhelmed him in debt. He therefore persisted in acts of cruelty and oppression, and for a time withstood all the power of his spiritual opponent. The latter however was not of a temper to submit to wanton injustice. He collected and substantiated facts of the Earl's violence and oppression, and exhorted the people to apply for redress. Patrick, during the absence of his relation, William Bruce of Symbister, burnt and carried off a considerable part of his effects, and the Bishop prevailed on the latter to join in the process carrying on against the Earl."¹ This quotation may serve as a key to explain the subsequent proceedings against the Earl of Orkney.

Several letters of Bishop Law to King James, in reference to the Earl of Orkney and the state of the people in his diocese, are preserved in the collection of State Papers and Letters of Sir James Balfour.² On the 17th of November 1608, James Bishop of Orcads, as he styles himself, expresses to the King his Christian compassion for the miseries "of your Majesties poor distressed subjects in those Isles;" and intreats, "that it will please your Maiestie now at last to be so touched with princelie pitie towards thame, that by your Maiesties great wisdome, and Royall power and autoritie, some comfort and releife may be provyded and procured unto thame. Alace, deare and dreade Soueraigne! trewlie it is to pitied, that so many your Maiesties subjects are so manifoldlie and grevouslie oppressed; some by ejectione and banischment from their houses and native soile; otheris by contorting the lawis and extorting thair goodis, the most part being so impoverished, that some of thame nather darre nor may complene, bot in silent and forced patience grones vnder thair grevances, as hoples of help; otheris are compelled, with great trouble, danger and damage to thair poore persones and estates, to seek remedie be ordinarie justice, which when

¹ View of the Ancient and Present State of the Zetland Islands. By Arthur Edmonston, M.D. Edinb. 1809, 2 vols. 8vo.

² These Letters have since been printed in the extensive and valuable series of Original Letters relating to the Ecclesiastical Affairs of Scotland, during the reign of James the Sixth 1603-1625), presented to the Bannatyne Club, as the contribution of Beriah Botfield, Esq., Edinb. 1851, 2 vols. 4to.

they have obtened, they must neuertheles, through proud contempt and lacke of executione, ather thus molest your Maiestie, as the only strenth and stay of thair hopes vnder God, or els be utterlie disapointed and lose all." It was apparently with some reluctance that the King addressed a letter to the Privy Council of Scotland, in which, referring to the complaints upon Earl Patrick by "the poor oppressed people" of these Islands, he directed that the Council should summon him to appear before them on the 2d of March following.

The subsequent decret against Earl Patrick and other persons, at the instance of William Bruce of Symbister in Zetland, is dated 4th of February 1609. The Lords of Council decerned against them for the losses sustained, amounting to £8346 Scottish money. This was only the precursor of more serious proceedings. On the 2d of August 1610, Patrick Earl of Orkney, Lord Zetland, &c., "was delaittit of certain crymes, at length specifeit and sett down in our Soverane Lordis Letters." These letters or dittay are contained in Pitcairn's Criminal Trials, vol. iii. p. 81, and they enumerate various treasonable crimes of which he was accused. In addition to acts of personal oppression, there are general charges of his having compelled the most part of "the gentlemens tennents of the saidis countreys of Orknay and Zetland to work to him all manner of work and labour be sea and land, in rowing and sailling his ships and boittis, working in the stane-quarrels, carrying stones and lime, building park dykes, and all sorts of servile and painful labour, *without either meat, drink or hyre*; and also, that to the utter ruine of the possessors of the saids lands and Islands, he continued to exact diverse great and exorbitant taxations and impositions." Finally, he was accused of preventing the inhabitants of Orkney and Zetland from either buying or selling provisions or any kind of commodities without his special license, under the infliction of great penalties. The Earl's trial was continued from time to time by various adjournments, while he himself was detained in ward in the Castles of Edinburgh and Dunbarton.

In May 1611, Bishop Law again addressed a letter to his Majesty, desiring that the Earl of Orkney should not be released. In June the following year, a similar request was made, that the Earl be kept a close prisoner in his chamber in Dunbarton Castle; "so," says Law, "my service shall be facilitate, his pryd and obstinacie abated, his contempt punished, his de-

signments crossed," &c. But while his wishes in this respect were complied with, he had occasion, in 1614, to represent to the King his own unprosperous state, "wearied with much travell, my means wholly spent, my debts unpayed," &c.; he adds, "I must needs depart the country for debt, or beg, which I am ashamed to do." Not long after, he was translated to the more lucrative see of Glasgow. As to the Earl of Orkney, upon a petition to the Lords of Privy Council, on the 28th January 1614, (the revenues of the earldom having been sequestrate, the sum of £40 Scots per day was allowed to him for his support. During the same year, his natural son Robert Stewart broke his pledge, and having fled to Orkney and raised men, he took possession of the Castles of Kirkwall and Birsay in the Earl's name. It may be noticed, that the King had previously purchased the Castles of Kirkwall and Birsay from Sir John Arnot, to whom the Earl mortgaged his estate. But after a siege, Kirkwall was surrendered to the Earl of Caithness, and the chief rebels were sent prisoners to Edinburgh. On the 5th of January 1615, this Robert Stewart, "base son of Patrick late Earl of Orkney," along with Thomas Blak *alias* Douglas, Archibald Murray, Andrew Mairteine, Alexander Layng, and Thomas Layng, were brought to trial, being charged with "treasonable taking and surprizing of his Majesties Castell of Kirkwall, Kirk, and Steiple of Kirkwall; treasonable resisting of the Earl of Caithness, his Majesties Lieutenant, and utheris tressonabill crymes, contentit in thair ditayis," &c. They were sentenced to be taken to the Market-Cross of Edinburgh, and there "to be hanged until thay be dead."¹ The Earl himself, as having incited his adherents to rebellion, was next brought to trial, and having been found guilty, he was sentenced "to be tane to the Mercat Croce of the burgh of Edinburgh, and thair upon Friday next the third of this instant (February 1615) betuix the twa and three hours after none, his head to be strikken from his body; and all his landis, lordschipis, levingis, heritages, takis, stedingis, rowmis, possessionis, offices, dignities, rentis, gudis and geir, to be forfalt and escheit to our Souerane Lordis use, as culpable and convict of the saidis tressonabill crymis."²

Such was the end of this unfortunat man, who having died without issue his title became extinct.

¹ Pitcairn's Criminal Trials, vol. iii. p. 273-283.

² *Ib.*, vol. iii. p. 318.

DECREET OF THE LORDS OF COUNCIL,
BRUCE OF SYMBISTER

contra

PATRICK EARL OF ORKNEY.

4th February 1609.

AT EDINBURGH the ffourt day of februarye The zeir of God i^m six hundreth and nyne zeiris The Lordis of counsale vnder writtin They are to say Ane nobill and potent lord Alexander erle of Dumfermling lord ffyvie &c Chancellour of this realme William Commendater of Tungland S^r Thomas Hammiltoun of Monkland knicht aduocat to our souerane lord S^r Archibald Douglas of Quhittinghame knicht S^r Johnne Cokburne of Ormestoun knicht iustice clerk S^r Richard Cokburne zounger of Clerkingtown knicht Lord priuieseill S^r Dauid Lyndesay of Edzell knicht S^r Alexander Hay of Forrestarseat knicht S^r Lues Craig of Wrichtsland knicht S^r Alexander Drummound of Meidhoip knicht Andro Weymis of Muircairny S^r Johnee Skene of Curriehill knicht Clerk of regrē M^r Johnne Prestoun of Fentounbarnis collectour generall S^r Andro Hammiltoun of Reidhous knicht Walter lord of Blantyre M^r Piter Rollok of Piltoun IN THE ACTIOUN and caus persewit at the instance of William Bruce of Symbister in Zetland¹ aganis Patrik erle of Orknay lord Zetland &c. Fraunces Sinclair of Vza Robert Sinclair of Ramnego Adam Sinclair of Brow Johnne Fermour sone to Williame Fermour Auldfold Johnne Stevinsoun in Exanabie and Richard Leisk in Trap FOR THE WRANGUS violent and masterfull cuming be themselves thair servandis complices and utheris in thair names of thair causing command assistance and ratihabitoun In the moneths of Junij and July last bipast in the zeir of God 1^m six hundreth aucht zeiris and diuers dayes of the samyn moneths. To the toun and landis of Sowmburgh outsettis houssis bigginis barnis

¹ William Bruce of Symbister obtained a charter of "lie Sixpennies the merk lands of Soumburgh, Zetland," 20 November 1605. He and his son Andrew Bruce had also charters of some property in Fife, 29 June 1619, and 17 February 1624.

barne zairdis byris toftis croftis outsettis annexis connexis partis pendiclis and pertinentis of the same pertening heritable to the said Williame Bruce and lyand in Zetland within the Sherifdome of Orknay And thair ryffing breking and straking up of the durris and lockis of the saidis outsettis houssis bigginis barnis and byris entering of thamselves thair men tennentis and serwandis thairin closing and dyking with ane greit heih bred dyke biggit of fail stane eard and utheris materallis of ane greit quantitie of the saidis landis of Sowmburgh lyand upoun grene growand cornis thairon for the tyme extending in quantitie to thrie akeris of land nixt contigue adiacent to the said Erle his castell in the toun of Sowmburgh callit the New Hall. Thinking to appropriat the samyn to him selff and his said Castell, eitting and destroying of the grene cornis than growand upoun the saidis landis of Sowmburgh pertening to the said Williame Bruce as his awin proper cornis and sawin be him thairon the seasoun nixt immediatelie preceeding And swa wranguslie intruding of thamselues thair men tennentis and serwandis in the possessioun of the said toun and landis of Sowmburgh outsettis houssis biggingis barne zairdis barnis byris toftis croftis outsettis annexis connexis partis pendiclis and pertinentis of the samin. And thairthrow wranguslie violentlie masterfullie ejecting and outputting of the said Williame Bruce his bairnis serwandis and families furth thairof and fra the samin and spoliatioun of the said Williame Bruce of his possessioun foirsaid the tyme aboue specifeit He than as heritour of the samin be him selff his bairnis seruandis familie cottaris girsmen and guidis in his name beand in reall actuall and peciable possessioun thairof be teilling sawing occupeing laubouring and mannuring of the samin scheiring and wyning the cornis that grew thairon casting wyning and leiding of fewall fail and duvottis and pasturing of thair guidis thairupoun at all partis thairof quhair the said Williame Bruce and his servandis thocht expedient Lyke as the said Williame Bruce as heritour foirsaid wes in semblable possessioun of the samin be the space of diuers zeiris at the least monethis nixt and immediatelie preceeding the saidis monethis of Junij and Julij last bipast And alsua wranguslie spuylzeing fra the said William Bruce of the said grene growand cornis The samin pertening to him as his awin proper cornis And thair beand in his possessioun growand upoun the said landis of Swomburgh sawin be him thairon the tyme foirsaid Lyke as the samin wes in

his possessioun as his awin proper cornis continuallie fra the tyme of the sawing thair of foirsaid be the space of ane moneth or thairby the sawin destroyit and grene growand cornis extending to the sawing of ten scoir bollis aittis price of the boll with the fodder fyve pundis ffour scoir bollis beir price of the boll with the fodder six pundis And for the wrangus violent and masterfull spoliatioun away taiking ressetting deteining and withhalding be thameselues thair servandis complices and utheris in thair names of their causing command assistance and ratihabitoun the tyme foirsaidis ffurth of the saidis toun and landis of Sowmburgh houssis and byris thair of toftis and croftis of the samin *respective* Off threttie milk ky price of the peice our heid aughtene pundis Ane hunreth milk zowis with thair followaris price of the peice fourtie schillings Twentie fyve wark horse price of the peice ffyftene pundis Aucht meiris with thair followaris price of the peice tuelff pundis Tua staneit horse price of the peice ffyftene pundis Tuentie oxin price of the peice aughtene pundis Tuentie heid of stottis and stirkis price of the peice our heid six pundis And ffurth of the saidis barnis, viz. furth of the greit barne Tua chalderis of threschin and dicht beir price of the boll six pundis Threttie bollis threschin and dicht aittis price of the boll thair of ffour pundis And furth of the said barne zaird Tua stakis of beir at tua chalder beir price of the boll with the fodder sevin pundis And furth of the saidis outsettis houssis biggingis barnis and toftis of ane greit kist of aik weill lokkit and bandit price thair of ten pundis And furth of the samin kist that wes than thairin ane silver peice and ane siluer masser the siluer peice weyand aughtene vnce price of the samin ffiftie four pundis Item the siluer maiser weyand tuentie four vnce price thair of thriescoir tuelff pundis Item ane dussone of siluer spones at aughtene vnce price of the vnce thrie pundis ten schillingis Item furth of the said kist of weluet raissit stuff stemyng holland claith lynning claith worset schankis extending altogidder being calculat to thrie hundreth pundis Item ane lockit box price thair of thrie pundis Item furth of the said lockit box of gold and siluer ffourteen hundreth pundis Item ane kist of fir lokkit and bandit price thair of aucht pundis Item furth of the samyn tuentie pair of lynning scheittis price of ilk pair ffyve pundis Item tuentie pair of quhyte plaidis price of ilk pair six pundis Item tuentie sewit bed coweringis price of the peice thair of our heid tuelff pundis Item tua stand of

dornick naprie price of ilk stand tuentie pundis Item ffour cop burde towellis of Holland claith price of the peice thairof thrie pundis Item four stand of commowne naprie price of ilk stand thairof aucht pundis Item tua burde claiths of grene claith price of the peice tuentie pundis Item six pair of fyne schone price of ilk pair threttie thrie schillingis fourpence Item ane uther kist of walnett trie price thairof aucht pundis Item tua Biblis price of the peice ten pundis Item the auld chronicles and historie of Scotland in Inglishe price thairof ten pundis Item the Actis of parliament price thairof ten pundis Item the Denss chronicle contening the historie of Denmark price tuentie pundis Item ane buik contenand the uniuersall greit cairt and descriptioun of the world price thairof tuentie pundis Item ane compt buik contenand the haill discharges betuix the said Williame Bruce perseware and his tennentis The entres and damage of the same ffyve hundreth merkis Item ane discharge subscryuit be Frances Robert and James Sinclairis and Williame Fermour notour to the said Williame Bruce of the dait at Troill and Boddene the day of March I^m vi^c aucht zeiris dischargeing him of all thingis quhatsumeuier that thay can lay to his charge befor the day and dait thairof Togidder with the eidentis of Nornick and Symbister Item ten fedder beddis with bousteris price of the peice with ane cod tuelff pundis Item ten stane wecht of pewder weschell price of ilk stane ten pundis Item ffyftene yrone pottis price of the peice our heid thrie pundis. Item six brassin pottis price of the pott six pundis Item ane aquavitie of pott with flaik and furnitour price thairof threttie pundis Item six brasin pannis price of the peice thrie pundis Item tua pair of raxis and four speittis price tuelff pundis Item four cruikis price of the peice fourtie schillingis Item tua laweris and tua bassines price of the peice ffyve pundis Item six brasin chandlaris price of the peice fiftie schillingis Item four hagbuttis price of the peice ten pundis Item tuelf halbertis price of the peice ffourtie schillingis Item ane corslet of pruiiff with the heid peice with the ledge and the harnes thairto price tuentie pundis Item fiftie pair of weit ledder schone to serwandis price of the pair tuentie schillingis Item thrie scoir of stanes of cuttit yrone price of the stane threttie schillingis Item tua lastis of greit Rochell salt price of the last with the tries thrie scoir lib^s Item ane last of Scottis salt price of the last with the tries threttie six pundis Item

tuelf lastis of twm barrellis price of the last ten pundis Item ffour barrell of tar price of the barrell ten pundis Item threttie stane of lynt price of the stane ffyve pundis Item tuentie stane wecht of hemp price of ilk stane thairof thrie pundis Item tuentie stane wecht of takill tow price of ilk stane wecht thairof thrie pundis Item tua greit meill girnells price of the peice thairof ten pundis Item of ait meill furth of the samin ffourtie bollis price of the boll ffour pundis Item tua greit malt girnellis price of the peice ffyftene pundis Item furth of the samin girnellis ane hundreth bollis malt price of the boll six pundis Item four boittis with thair furnitour price of the peice thriescoir pundis Item tuentie doubill hering nettis price of the peice tuelf pundis Item of hering slayne be ilk ane of the said per-sewaris boittis and thrie nettis thrie lastis price of the last thrie scoir pundis money And thairfoir the boittis furnitour and nettis the said Williame Bruce wes in vse of fisheing of hering and vther quhyte fishe in the sea foiranent the coist of the saidis landis of Swonburgh and bringing of the samin to the coist peir and schoir of the saidis landis vsing and dis-poning thair vpoun at his plesur and without the qlkis boittis furnitour and nettis He could not vse the said fischeing The samin fischeing and com- moditie thairof being ane proper pertinent and commoditie of the saidis landis of Swonburgh And swa thairby wranguslie violentlie and maister- fullie ejecting of the said Williame Bruce furth of his said fisheing and com- moditie thairof and spoliation of him of his possessioun of the samin the samin perteing to him as ane proper pertinent of his saidis landis of Swon- burgh and commoditie thairof and spoliatioun of him of his possessioun of the samin And he then and diuers zeiris and monethis immediatlly of be- foir in possessioun of his said fisheing boittis furnitour and nettis be fischeing and taking of hering and vther quhyte fische thairwit And care- ing of the samin to the said coist peir and schoir thairof lossing and dis- chargeing the same thairat vseing and disponing thairupoun at his plesur as his awin proper hering and fishe And lykwayes the said Williame Bruce the tyme foirsaid beand in peciable possessioun of the saidis outsettis houssis biggingis barnis barne zairdis byres and toftis be inhabiting vsing and occupeing thairof be him self his bairnis familie servandis and cot- teris as proper partis and pertinentis of his saidis landis of Swonburgh Lyke as he wes in semblable possessioun thairof diuers zeiris nixt and

immediatlie preceiding the saidis monethis of Junij and Julij last bipast And sicklike the said Williame Bruce the tyme of the spoliatioun foirsaid and diuers dayis immediatlie of befoir be him selff his bairnis familie and serwandis beand in peciable possessioun of the saidis cornis cattell insicht plenissing kistis boxis girnellis gold siluer buikis writtis eidentis and vtheris particularlie aboue specifeit spuizeit as said is as his awin proper cornis cattell insicht plenissing kistis box girnellis gold siluer buikis writtis eidentis guidis and geir AND THAIRFOIR the saidis Defenderis to have compeirit befoir the Lordis of Counsale To haif hard and sene decret gevin in manner under written as at mair lenth is contenit in the principall sum-moundis raisit in the said mater actis letteris and haill proces led and deducit thair vpoun of befoir THE SAID PERSEWARE comperand be Masteris Williame Oliphant and Williame Hay his procuratouris And the saidis defenderis being lawfullie summounded to this actioun oftymes callit and nocht com-peirit The said persewaris richtis ressonis and allegatiounis togidder with the depositiounis of diuers famous witnesses ressaut sworne and examinat with diuers writtis and vther probatioun producit be him for proving the pointis of the saidis summoundis being at lenth hard sene and considerit be the saidis lordis and thay thairwith being ripelie aduysit The Lordis of Counsale DECREITTIS DELYUERIS and DECERNIS the saidis Patrik erle of Orknay Robert Sinclair in Ramnago Frances Sinclair in Vza Adame Sinclair of Brow Johnne Stevinsoun officer in Exanabie and Johnne Fermour To haue done wrang in the wrangus violent and maisterfull intruding of thame-selues in the possessioun of the said toun and landis of Swonburgh outsettis houssis biggingis barnis byris barne zairdis toftis croftis pendiclis and per-tinentis of the samin and of the saidis fischeingis And thairthrow wrang-uslie and maisterfullie ejecting and out-putting off the said Williame Bruce his bairnis servandis and familie cotteris guidis and geir furth and fra the samin toun and landis of Swonburgh outsettis houssis biggingis barnis byris barne zairdis toftis croftis pendicles and pertinentis of the samin and fischeingis foirsaidis And spoliatioun of the said Williame Bruce of his possessioun thairof in the saidis monethis of Junij and Julij last bipast He than be himself his servandis cotteris girsmen guidis and geir in his name beand in reall actuall and peicable possessioun of the samin in manner foirsaid as heritabill proprietare thairof foirsaid. Lykeas he as heritabill

proprietar thairof foirsaid wes in semblable possessioun of the samin diuers zeiris and monethis nixt and immediatlie preceeding the saidis monethis of Juni and Julij. And hairfoir decernis and ordainis the saidis personis defenderis To desist and ceis thairfra in tyme cuming and to restoir and enter the said Williame Bruce agane to his possessioun thairof To be peciabile bruikit joist occupiet fischit set vsit and desponit vpoun be him as his heritage in tyme cuming And lykwayes decreittis delyuiris and decernis the said erle of Orknay and remanent personis foirsaidis To haue done wrang in the wrangus violent and maisterfull parking closing and dyking of the said part of the saidis landis of Swonburgh lyand as said is Extending in quantitie as said is And decernis and ordainis thame to desist and ceis thairfra in tyme cuming and to demoleis cast down and tak away the said dyke and mak the samin in als guid estait in all conditionis as the samin wes befor the closing and dyking thairof and to restoir and enter the said Williame Bruce to his possessioun of the samin To be peceable possess bruikit joisit occupiet set usit and disponit vpoun be him as his awin proper heritage as ane part of the saidis landis of Swonburgh in all tyme cuming And in like maner decreittis delyueris and decernis the said Patrik erle of Orknay and remanent personis foirsaidis To haif done wrang in the wrangus violent and maisterfull spoliatioun eitting and destroying of the saidis grene growand cornis vpoun the saidis landis of Swonburgh off the quantitie valour and prices foirsaidis And to refund content and pay to the said Williame Bruce the saidis valour and prices of the samyn of the quantitie foirsaid And sicklike to haue done wrang in the foirsaid wrangus violent and maisterfull spoliatioun away taking ressetting deteining and withholding be thameselues thair serwandis complices and utheris in their names of thair causing command assistance and ratihabitoun as saidis fra the said Williame Bruce ffurth of his saidis landis of Swonburgh outsettis houssis biggingis barnis barne zairdis byris toftis croftis partis pendiclis and pertinentis of the samyn And fra the said coist peir and schoir of the saidis cornis ky horse nolt scheip meiris gold siluer kistis box buikis writtis eidentis fische boittis nettis and utheris guidis and geir aboue written the tymes respective foirsaidis Whilkis pertentit than to the said Williame Bruce as his awin proper cornis gold siluer guidis and geir and wes than respective in his possessioun vpoun the ground of the saidis landis of Swonburgh and

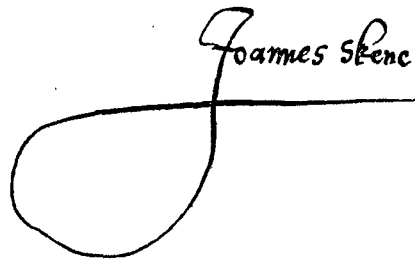
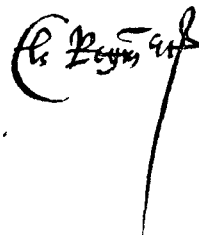
within the saidis outsettis houssis biggingis barnis byris barne zairdis toftis croftis partis pendiclis and pertinentis of the samin And within the saidis kistis box and gurnellis and at the said coist peir and schoir respective as his awin proper guidis and geir the tyme of the spoliatioun thair of foirsaid In manner foirsaid lyke as he wes in semblable possessioun thair of diuers dayes immediatelic preceiding the said spoliatioun of the samin And thairfor decernis and ordains the saidis defenderis To restoir and deliuer the samin againe to the said Williame Bruce and his possessioun ground and place that they wer spuizeit and takin fra alsguid as they wer the tymes of the spoliatioun of the samin Or the avallis and quantities of the samin and prices thair of respective foirsaidis And the saidis Lordis Assoizis simpliciter the said Richard Leisk in Trap ffrom the haill pointis of the saidis summoundis and petitioun of the said perseware aganis him thairuntill And decernis him frie and quite thairfra in tyme to cum Becaus the pointis of the saidis summoundis being fund relevant be the saidis [Lordis and]¹ admittit to the said persewaris probatioun (Efter that the saidis defenderis wer [lawfullie summoned] to haue compeirit befor the Lordis of counsale diuers tymes of befor To [haif hard and sene] decreit gevin in manner aboue written And failzeit thair untill) And [divers termes being assignit to] him for proving thair of He provit the same sufficientlie aganis the haill defenderis aboue written except the said Richard Leisk and failzeit in proving of the same aganis the said Richard And the quantitie and prices of the foirsaidis guidis and geir spuizeit and away takin fra the said perseware be the saidis defenderis the tymes respective aboue writtin being referit simpliciter to the said persewaris aith of veritie : Quha compeirand personalie in presence of the saidis Lordis And being sworne be his said aith of veritie vpoun the pointis of the saidis summoundis maid faith that the guidis and geir spuizeit and away takin fra him the tymes respective foirsaidis be the saidis defenderis Extendit to the particular avallis quantities and prices respective foirsaidis mentionat in this present decreit As wes cleirly vnderstand [be the] saidis Lordis [and thairfor thair decernis as] said is. Attoure the saidis Lordis decernis and ordanis the saidis defenderis to refund content and pay to the said perseware the soume of

¹ Some portions of the writing are lost from the folding of the papers, but the words are supplied from the recorded copy in the "Register of Acts and Decreets," vol. 238.

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tuentie pundis as for expenses of pley maid deburst and susteinit be him in persute of the said actioun and obtaining the said Lordis decreit thairuntill In maner foirsaid Togidder with the soume of ffyve pundis payit be him to the said lordis collectour conforme to thair act and ordinance maid thair- ainent And Ordainis sic like executioun to pas for recouerie heirof As in the principall caus aboue writtin

Extractum de libro Actorum per me dominum Joannem Skene de Curre- hill militem Clericum Rotulorum Registri ac Consilii S. D. N. Regis, sub nostro signo et subscriptione manuali

Joannes Skene  

Soume of all I meane begynning first at [Ten scoir] bollis of aytis at 5th the boll and ending at the Thrie lastis of herring at iii^{xx} pundis the last Swa I esteme the haill soume is viii^m iii^c xlvi pwndis [£8,346 0 0.]

Indorsed

Williame Bruce

contra

Erle of Orknay

vltimo Julij 1613 product. per magistrum Willielmum Hay procuratorem.

Hay